

Faye Ward

June 14, 2006

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CYNTHIA ELLISON,

Plaintiff,

vs.

Civil Action No:
2:05CV902-MHT-DRB

AUBURN UNIVERSITY MONTGOMERY,

Defendant.
~~~~~

DEPOSITION OF  
FAYE WARD

June 14, 2006

9:38 a.m.

Auburn University  
Human Resources Building  
7430 East Drive  
Montgomery, Alabama

Bonnie L. Smith, RPR, CCR-B-2432

EXHIBIT

23

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APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

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On behalf of the Defendant:

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Fisher & Phillips, LLP

1500 Resurgens Plaza

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Atlanta, Georgia 30326

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ALSO PRESENT: Cynthia Ellison, Plaintiff

Debra Foster, HR Director

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Deposition of Faye Ward

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MR. DODD: This is the deposition of Faye Ward taken by subpoena and notice pursuant to Rules 45 and 30 of the Federal Rules of Civil Procedure for all purposes permitted by those rules.

FAYE WARD, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY-MR.DODD:

Q. Ms. Ward, we met briefly. I'm Burton Dodd. I represent Auburn University at Montgomery. The purpose of this deposition is to ask you some questions about your involvement in the lawsuit that Cynthia Ellison has brought against AUM.

A. Okay.

Q. You've been sworn and do you understand that you're under oath to tell the truth during this deposition?

A. Absolutely.

Q. If you don't understand a question

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1 that I ask you, will you let me know so I can  
2 try to make it understandable for you?

3 A. I certainly will, sir.

4 Q. And if you don't hear the entire  
5 question that I ask also, please let me know  
6 so I can repeat it --

7 A. Okay.

8 Q. -- so you can hear it. If you need  
9 to take a break or have a recess of some kind,  
10 just let me know and we'll accommodate you.  
11 Do you have any medical condition that might  
12 interfere with your ability to answer my  
13 questions today?

14 A. No, I don't.

15 Q. Did you review anything to prepare  
16 for this deposition?

17 A. Just my affidavit that I signed. I  
18 looked over it.

19 Q. You've only given one affidavit in  
20 this case?

21 A. Right.

22 Q. Did you talk with anyone to prepare  
23 for this deposition?

24 A. No, I did not.

25 Q. Okay. Where do you live?



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1 A. I live -- I reside at 5307 Roland  
2 Drive, Montgomery, Alabama.

3 Q. You've lived there for some time,  
4 have you not?

5 A. I have.

6 Q. How many years?

7 A. Oh, I guess maybe about 30 years.  
8 I've retired. I worked here for 18 and I've  
9 been at that address.

10 Q. And you are divorced, are you not?

11 A. I am. That's correct.

12 Q. What is -- what is your former  
13 husband's name?

14 A. Anthony R. Ward.

15 Q. Does he live in --

16 A. He lives in Cincinnati, Ohio.  
17 Uh-huh.

18 Q. All right. And you have three  
19 children, do you not?

20 A. I do. Three sons. Absolutely.

21 Q. And do they live in this area, the  
22 Montgomery area?

23 A. One does. The other one lives in --  
24 he just took a job with a company out of  
25 Louisville, Kentucky, and he's there. He's a

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1 pilot there. My son in Houston, he is a  
2 nurse.

3 Q. And what is the name of the son who  
4 lives in Montgomery?

5 A. His name is Kory, with a K.

6 Q. Okay. And what does Kory do?

7 A. Kory works at Maxwell Air Force Base  
8 in the fitness center and he also works at ASU  
9 as a part-time radio announcer.

10 Q. Is he married?

11 A. No, he's not.

12 Q. Okay.

13 A. None of them are.

14 Q. How old is Kory?

15 A. Kory is 31.

16 Q. Other than your -- other than Kory,  
17 do you have any other family in the Montgomery  
18 area?

19 A. Certainly. My parents, thank God.  
20 They're still living, both my mother and my  
21 father.

22 Q. And what is your mother's name?

23 A. Her name is Lucy Johnson Jenkins.

24 Q. And your father?

25 A. My father is Ganzell, G-A-N-Z-E-L-L,

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1 Jenkins.

2 Q. Do either of them work?

3 A. They're retired.

4 Q. Do you have any brothers and sisters  
5 in the Montgomery area?

6 A. I do. No, not in the Montgomery  
7 area. I have one brother.

8 Q. And where does he live?

9 A. He lives -- resides in Cincinnati,  
10 Ohio.

11 Q. Other than your parents, do you have  
12 any other family in the Montgomery area?

13 A. Well, you know, cousins, you know,  
14 aunts and uncles, but no one close other than  
15 that. Why is that necessary?

16 Q. It has to do with jury selection if  
17 we ever get to that.

18 A. Oh, I see. Okay. Thank you.

19 Q. I want to know if you have any  
20 family members or a witness has family members  
21 that might appear on the --

22 A. Thank you for clarifying it.

23 Q. Certainly. What are the -- if you  
24 know, what are the last names of your aunts  
25 and uncles?

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1 A. My uncle's name is Johnson, Julius  
2 Johnson and Marie Johnson. Cousins are  
3 Bruces. Samuel Bruce and Wilma German.

4 Q. Okay. Any other?

5 A. Jenkins, which would be my maiden  
6 name.

7 Q. Right.

8 A. Uh-huh.

9 Q. And I assume you have nieces and  
10 nephews?

11 A. Well, I have nephews that live in  
12 Cincinnati, Ohio. I have one in Cincinnati  
13 and one in Columbus.

14 Q. Okay. Any other family members in  
15 the Montgomery area?

16 A. Huh-uh.

17 Q. You've got to say no.

18 A. Oh. No. I'm sorry.

19 Q. She can't pick up -- you have to  
20 audiblize your --

21 A. Well, no.

22 Q. Thank you. Do you go to church?

23 A. I do.

24 Q. What church do you attend?

25 A. I'm Catholic. I go to Saint Jude's.

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1 Q. Does Saint Jude run the school you  
2 attended as a child?

3 A. They do.

4 Q. Are you involved in any community  
5 activities?

6 A. I am. I belong to South Lawn  
7 Community Organization.

8 Q. What does that do?

9 A. We are very viable in our community  
10 and making sure that if there are complaints  
11 we report them to the proper authorities for  
12 that. We have cleanups out there. We have  
13 activities in the park for the children. I  
14 also have coordinated and coordinate a tennis  
15 program that I wrote a grant for about four  
16 years ago and through bonds, they -- and the  
17 mayor's office, they contributed money to me  
18 to finance some children to take tennis  
19 lessons. Every child can't play football or  
20 basketball. I saw the need for that and we  
21 have a course out there. So I'm involved in  
22 that. My church, I'm involved in  
23 organizations there also.

24 Q. Do you hold any positions in the  
25 church?

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1 A. I am the correspondence secretary  
2 for the Ladies of Charity organization.

3 Q. Now, you said you -- you process  
4 complaints with respect to your community?

5 A. Right. Say, for example, if there  
6 are cars parked in driveways that are not  
7 being used, we call the proper authorities and  
8 they will come out and remove those cars, that  
9 kind of thing.

10 Q. I gotcha.

11 A. Okay.

12 Q. Other than your church and that  
13 community activity, are you involved in any  
14 other organizations in Montgomery?

15 A. No, not really. I did some  
16 campaigning. I worked for the legislature  
17 part time this year and I also did some  
18 campaigning for one of the elected officials.

19 Q. Which official?

20 A. Representative Evan Holms.

21 Q. Do you have any relatives who are  
22 currently employed at AUM?

23 A. No. Well, Ruby Jenkins. Ruby  
24 Jenkins is a distant relative of mine.

25 Q. What is the relationship between you

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1 and Ruby?

2 A. Well, I mean, we don't have a  
3 non-favorable relationship. We just don't get  
4 to see each other that often. But she's fine.  
5 What do you mean?

6 Q. Are you cousins?

7 A. Yeah, we're cousins.

8 Q. Okay. Other than Ruby, do you have  
9 any relatives who are employed or who were  
10 formerly employed --

11 A. At AUM? No, I do not.

12 Q. Have you talked to Ruby about  
13 Ms. Ellison's lawsuit?

14 A. Absolutely not.

15 Q. Now, you gave an affidavit to --  
16 strike that, please. To whom did you give the  
17 affidavit that you referred to earlier?

18 A. I gave an affidavit to Mrs. Rodgers,  
19 Mrs. Ellison's attorney.

20 Q. Does Ms. Rodgers represent you in  
21 any capacity?

22 A. No, she doesn't.

23 Q. How did it -- how did you learn of  
24 the opportunity to provide an affidavit?

25 A. Mrs. Ellison asked me if I would

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1 give one and I told her I would.

2 Q. And then did you go visit

3 Ms. Rodgers --

4 A. I did.

5 Q. -- in her office?

6 A. I did. I gave her the information  
7 and she typed it.

8 Q. And then you signed it?

9 A. I signed it.

10 Q. Have you had any further involvement  
11 with Ms. Rodgers or her law firm --

12 A. No, I have not.

13 Q. -- since giving that affidavit?

14 A. No, I have not.

15 Q. Did you provide Ms. Ellison or  
16 Ms. Rodgers with any documents from AUM?

17 A. No, I did not. There was  
18 information from -- that I wrote to Mr. Tom  
19 Rebel and I have that in my possession.

20 Q. Now, tell me about how you wrote  
21 that.

22 A. Okay. I talked with him. I was  
23 about to go out for surgery. And he called me  
24 one day shortly before then. In fact, it was  
25 the last day before I left to go. And he



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1 asked me if I would put information in  
2 writing. And I told him sure. I had no  
3 problem with that because I knew I would not  
4 be there. I would not be here at the  
5 university. In fact, in that last sentence, I  
6 told him if he had any questions or any  
7 follow-up to that, I would be more than happy  
8 to supply him with it. He told me to get that  
9 information to Dr. Roger Ritvoe and I told him  
10 that I would.

11 Q. And did you do that?

12 A. I gave it to my clerk to do because  
13 the next day I was supposed to be leaving  
14 going to the hospital. So I gave it to her.  
15 She emphatically -- and I believe she did --  
16 took it and gave it to Roger.

17 Q. And you maintained a copy in your  
18 possession; correct?

19 A. I did. I did. Because I didn't  
20 know if he might call me or he might need to  
21 talk with me about it and I wanted to make  
22 sure that I had the information in front of me  
23 that I had supplied to him. Sure, I kept a  
24 copy.

25 Q. Is that the only reason you kept a

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1 copy?

2 A. That's the only reason I kept a  
3 copy.

4 Q. When he asked you to provide him  
5 with this document --

6 A. Uh-huh.

7 Q. -- you were employed by AUM as the  
8 assistant director of human resources?

9 A. Absolutely. Absolutely.

10 Q. And did you know that Tom Rebel was  
11 involved in any sort of investigation at AUM  
12 concerning any faculty member or employees  
13 here?

14 A. Well, he did not -- I mean, I  
15 understood that because Debra Foster had been  
16 in touch with him. So I knew. And, of  
17 course, I know Mr. Rebel from the past and  
18 working with the university. Sure.

19 Q. And you knew he was representing the  
20 university in its investigation; right?

21 A. Right. Right.

22 Q. Okay. How did you come to give that  
23 document to Ms. Ellison or her lawyer?

24 A. Because when I went to do my  
25 affidavit, I showed that to her.

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1 Q. And gave her a copy of it at that  
2 point?

3 A. I did.

4 MR. DODD: Can you mark this one?  
5 (Defendant's Exhibit-1 was marked  
6 for identification.)

7 Q. (By Mr. Dodd) Ms. Ward, here's  
8 what's been marked as defendant's exhibit one.  
9 I hand it to you and see if you can recognize  
10 it, please.

11 A. I do.

12 Q. What is it?

13 A. This is the letter that I sent to  
14 Mr. Rebel -- that Mr. Rebel requested and I  
15 sent it to Dr. Ritvoe.

16 Q. Did you know that Dr. Ritvoe would  
17 forward this to Tom Rebel?

18 A. I didn't have any reason to believe  
19 he wouldn't.

20 Q. All right. Was February 18th, 2005,  
21 your last day of employment -- last day of  
22 full work at AUM?

23 A. It was. I went to the hospital the  
24 next day. I was preparing to go to the  
25 hospital.

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1 Q. So you remained an employee for some  
2 time after that, but you never returned to  
3 work after that; right?

4 A. Say what? I'm sorry. See, I went  
5 on leave and then I came back in July.

6 Q. Okay. And then you left --

7 A. I had a knee replacement.

8 Q. And you left when?

9 A. My last day was August 31st. I  
10 retired effective September 1st.

11 Q. To be able to retire on September  
12 1st, you had to give notice, did you not, of  
13 at least 30 days prior to that time?

14 A. At least 30 to 60 days. Right.

15 Q. So your decision to retire was made  
16 at least by July 31st?

17 A. It was.

18 Q. Okay. Ms. Ward, when you left on  
19 February 18th for your surgery --

20 A. 28th.

21 Q. I'm sorry?

22 A. I left the 28th. I dated this on  
23 the 28th of February.

24 Q. I'm just reading this as February  
25 18th. Is that incorrect?

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1 A. It should have been -- I thought it  
2 was the -- anyway, the last day -- the last  
3 day I was here. Maybe it was the 18th. I  
4 don't know.

5 Q. Okay.

6 A. But I went to the hospital. I was  
7 supposed to go in the hospital later that  
8 month, by the end of the first of March.

9 Q. Is this the only document you took  
10 with you when you left?

11 A. That's the only document that I took  
12 when I left here.

13 Q. Okay. Now -- and you returned in  
14 July?

15 A. Uh-huh. I returned the Monday after  
16 the 4th -- after we came back from the  
17 holiday.

18 Q. Now, between the time you came back  
19 and the time you retired on September 1st, did  
20 you take any documents?

21 A. No, I did not.

22 Q. So defendant's exhibit one is the  
23 only document you took with you?

24 A. That's the only document. And as I  
25 stated in my last paragraph, that's the reason

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1 I told him that if he needed to know anything,  
2 although I would be hospitalized, he could  
3 call me.

4 Q. Did you feel that you were  
5 authorized to share outside of AUM a document  
6 you prepared for AUM's lawyer at his request  
7 that you prepared in your capacity as the  
8 director of human resources?

9 A. I was no longer employed here and I  
10 certainly didn't see where that was any  
11 problem. I gave my affidavit in September.

12 Q. Have you worked since you retired  
13 from AUM?

14 A. I did. I did that past year. I  
15 worked for the Alabama State Legislature part  
16 time.

17 Q. You told me that.

18 A. From January until April.

19 Q. Is that their legislative session?

20 A. Yes, sir. Uh-huh.

21 Q. Have you had any other employment?

22 A. No.

23 MR. DODD: Mark this one, please,  
24 Bonnie.

25 (Defendant's Exhibit-2 was marked

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1 for identification.)

2 Q. (By Mr. Dodd) Ms. Ward, here's  
3 defendant's exhibit two. See if you can  
4 identify that, please.

5 A. Okay. I can.

6 Q. What is it?

7 A. In item three --

8 Q. Tell me what it is first. Let's get  
9 it identified first.

10 A. Oh. Okay. Sure. I do.

11 Q. Tell us what it is.

12 A. I do. It's an affidavit that's  
13 signed by me, Faye E. Ward. I signed it on  
14 September 20th, 2005.

15 Q. Okay. Now, this is the affidavit  
16 you referred to earlier?

17 A. Yes, sir.

18 Q. I want to ask you a few questions  
19 about it.

20 A. Sure.

21 Q. At the time you gave this affidavit,  
22 did you know that Cynthia Ellison had filed an  
23 EEOC charge against AUM?

24 A. Yes, I did.

25 Q. What was the source of that

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1 knowledge?

2 A. Well, I just knew she had filed one.

3 Q. How did you know that?

4 A. Because I worked in the office of  
5 human resources. Debra Foster had told me she  
6 had filed one.

7 Q. Do you know if at that time she had  
8 filed a complaint in Federal Court?

9 A. No, I did not.

10 Q. Do you know if she or her lawyers  
11 had threatened to file a complaint in Federal  
12 Court?

13 A. No, I did not.

14 Q. Did you know that --

15 A. In fact --

16 Q. I'm sorry?

17 A. That's okay.

18 Q. Did you give your affidavit in order  
19 to assist Cynthia Ellison and her claims  
20 against AUM?

21 A. I did. Because I felt that she had  
22 been discriminated against.

23 Q. Is the affidavit complete with  
24 respect to your knowledge of Cynthia Ellison's  
25 difficulties at AUM?



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1 A. Well, I'm certain there was some  
2 other factors involved, but I gave it in as  
3 narrative of a form that I could in order to  
4 make sure that the points were brought out. I  
5 don't know if that's what you mean.

6 Q. Well, you mentioned all the major  
7 points that you considered important --

8 A. Yes, sir. Uh-huh.

9 Q. -- with respect to Cynthia Ellison's  
10 difficulties at AUM, did you not?

11 A. Right. I did.

12 Q. And if you felt that anything else  
13 was equally as important, you would have  
14 included this in your affidavit, would you  
15 not?

16 A. Possibly.

17 Q. I'm sorry?

18 A. Yes.

19 Q. Okay. Let's go through it.  
20 Paragraph two, you say you were the assistant  
21 director of human resources?

22 A. Slash employment manager. Because  
23 before I left, titles changed and, of course,  
24 the title that I was assigned then was  
25 employment manager, which I think no longer is

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1 the assistant director of human resource to my  
2 knowledge.

3 Q. You go on to say you were in that  
4 role from 1988 to August 31st, 2005.

5 A. Well, I came to work at AUM in 1988.  
6 However, when I came here, I was a secretary.  
7 I applied for a secretarial position. My  
8 boss, she promoted me within a year's time.  
9 And I was assistant director of human  
10 resources.

11 Q. After a year as a secretary?

12 A. Uh-huh.

13 Q. Okay. You've got to say yes.

14 A. Yes.

15 Q. And you were the assistant director  
16 of human resources for 17 years. Is that  
17 about right?

18 A. Right. That's correct.

19 (Defendant's Exhibit-3 was marked  
20 for identification.)

21 Q. (By Mr. Dodd) Ms. Ward, here's  
22 what's been marked as defendant's exhibit  
23 number three. See if you can identify that  
24 for me, please.

25 A. Yes. It's an application when I

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1 first came here to apply for a position.

2 Q. Is that your signature on the third  
3 page?

4 A. Yes, it is.

5 Q. Now, you said you applied to be a  
6 secretary; right?

7 A. Uh-huh.

8 Q. You've got to say yes.

9 A. But that was the position that was  
10 available. Secretary. Yes.

11 Q. Was that a posted position?

12 A. Yes, it was.

13 Q. Is that how you found out about it?

14 A. Well, I really was not looking for a  
15 position over here. I was recommended. And I  
16 came over and, of course, I was working when I  
17 came here. So when I saw the position, I  
18 applied for it as a secretary. I felt that I  
19 could move on up into an area of expertise  
20 where I had worked and had previous  
21 experience. So --

22 Q. What previous experience qualified  
23 you to move up as you say?

24 A. I worked for the Department of Human  
25 Resources in Cincinnati, Ohio, for about 11

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1 years prior to coming here to Alabama.

2 Q. Is that the Hamilton County Welfare  
3 Department?

4 A. That's true.

5 Q. And you call that the human  
6 resources department?

7 A. Well, it was human resources  
8 included in that.

9 Q. Was that your job as a human  
10 resource manager?

11 A. No. I was a social caseworker  
12 there. But, I mean, we dealt with cases and  
13 situations similar. I mean, it all goes  
14 together. Human resources, working with  
15 people, all of that aligns itself together.  
16 So I guess the director thought that my  
17 experience there would help me to qualify to  
18 apply for this job, yes.

19 Q. Now, which director?

20 A. The previous director. The lady  
21 that hired me.

22 Q. You guess that she thought your  
23 experience --

24 A. Well, she did. I mean, she went  
25 through this apparently.

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1 Q. Well, that's a guess on your part,  
2 is it not? I mean, that's what you said.

3 A. Well, it's a fact that she hired me  
4 because of my experience.

5 Q. But you had many other  
6 experiences -- employment experiences rather  
7 than -- other than with the Hamilton County  
8 Welfare Department, did you not?

9 A. I did. I did.

10 Q. Let's go through them.

11 A. All right.

12 MS. RODGERS: Question. The resume  
13 that you're -- is this still part of the  
14 application for employment packet or is  
15 it a different exhibit?

16 MR. DODD: It's one document.

17 MS. RODGERS: Okay.

18 Q. (By Mr. Dodd) Let me ask you a  
19 little bit about your schooling first,  
20 Ms. Ward.

21 A. Sure.

22 Q. And you received your undergraduate  
23 degree from Alabama University --

24 A. I did.

25 Q. -- in 1967 --

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1 A. I did.

2 Q. -- with a bachelor of science degree  
3 in business administration?

4 A. In economics. Exactly.

5 Q. And a minor in economics; right?

6 A. Right.

7 Q. Now at Alabama State, did you take  
8 any courses in human resources management?

9 A. I had some social work classes,  
10 sure.

11 Q. Well, did you take any courses in  
12 human resource management?

13 A. No, I didn't.

14 Q. By the time you graduated from  
15 Alabama State, did you have any experience  
16 whatsoever in human resources management?

17 A. No, I didn't.

18 Q. Did you have any training in equal  
19 employment opportunity?

20 A. No, I didn't. That's why I didn't  
21 apply for the position when it was posted.

22 Q. Now, which position are you  
23 referring to now?

24 A. The one that Ms. Foster applied for  
25 and received.

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1 Q. In 2001?

2 A. Because I was asked if I wanted to  
3 apply for the position. And I said no.

4 Q. And you said no because you didn't  
5 consider yourself qualified?

6 A. No. It wasn't because I wasn't  
7 qualified. When the interim -- I served as  
8 interim director when the director left. It  
9 wasn't because I doubted my capabilities of  
10 doing the job that I was doing. Not at all.

11 I just -- I was going to look at  
12 retiring in a few years, maybe four or five  
13 years up the road. I thought maybe bringing  
14 someone new in that would help to bring better  
15 and newer -- well, newer ideas to the table  
16 would also help me to work with Ms. Foster in  
17 bringing about some changes and doing some  
18 things here that I wanted to do.

19 No, I don't think for a minute that  
20 I was not unqualified to do the job that I was  
21 doing. No, I do not.

22 Q. But, nonetheless, you elected not to  
23 apply for that job?

24 A. I didn't. No, I didn't.

25 Q. And you said earlier that your lack



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1 of training in equal employment opportunity  
2 was one reason you did not apply?

3 A. The position is a dual position.  
4 It's a director of human resources/EEO  
5 affirmative action person. And at that time,  
6 the chancellor said that she could not afford  
7 to divide the position and that it would have  
8 to be -- it would have to go as director and  
9 EEO. I don't have any experience at EEO,  
10 affirmative action. So that was my main  
11 reason why I didn't apply for the job, not  
12 because I didn't think I was capable to do it.  
13 I'd had some very good training since I've  
14 been here and think I did a pretty good job.

15 Q. Okay. All right. Let's look at  
16 your work history.

17 A. Sure.

18 Q. It looks like you worked from 1968  
19 to 1977 at the Hamilton County Welfare  
20 Department.

21 A. I did.

22 Q. Right.

23 A. In Cincinnati, Ohio.

24 Q. And what was your primary duty  
25 there?



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1           A.     I was a social caseworker. I went  
2 out. I visited families. Sometimes I had  
3 to -- I worked with ADC mothers. I had to  
4 abide by the laws and the rules and  
5 regulations that the state of Ohio had  
6 interjected. I had to go out and make people  
7 eligible for food stamps, if they were  
8 eligible for that. I had meetings to go to,  
9 sometimes we had to get judgments where we had  
10 to go into homes and take people's children.  
11 So there were a multitude of things that we  
12 did.

13           Q.     Did you have any human resources  
14 responsibilities with respect to other  
15 employees in the Hamilton County Welfare  
16 Department?

17           A.     No, I did not.

18           Q.     All right. Now, after that job, you  
19 worked from 1979 to --

20           A.     I moved to Alabama and I worked for  
21 the Montgomery Police Department.

22           Q.     And what was your job there?

23           A.     I was a complaint clerk. I worked  
24 on the desk.

25           Q.     And what were your primary

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1 responsibilities?

2 A. If anyone called in with a  
3 complaint, I had to code a card, send it to  
4 the dispatcher, be very diplomatic about it,  
5 be very calm about it. Because there was  
6 oftentimes a robbery or something in process.  
7 So that gave me a lot of experience. In fact,  
8 they wanted me to stay there because I was  
9 able to deal with the public.

10 Q. Did you have any human resources  
11 responsibilities with respect to employees of  
12 the Montgomery Police Department in that job?

13 A. No, I didn't.

14 Q. The job after that was with W.J.  
15 Rhodes Construction Company?

16 A. Right.

17 Q. From April 1980 to February 1981?

18 A. Yes. I was an office manager there.

19 Q. What did you do as an office  
20 manager?

21 A. I maintained the office. I answered  
22 the phone. I did payroll. I did -- I went to  
23 attend business lettings for him in the  
24 office-type manager. They were held once a  
25 month. People from all over the state, we

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1 met. And, of course, they talked about the  
2 different concerns and opportunities and  
3 biddings for his company.

4 Q. Did you have any human resources  
5 responsibilities as the office manager in that  
6 job?

7 A. No, I didn't.

8 Q. Now, after that, it looks like you  
9 worked for the house of representatives --

10 A. I did.

11 Q. -- in Montgomery?

12 A. I did.

13 Q. Is it fair to say off and on for  
14 several sessions?

15 A. Several. Yeah, I did. For about  
16 five or six years.

17 Q. What was your job there?

18 A. My job was to assist the  
19 representatives by pulling bills, going out to  
20 the house, making sure that information that  
21 was going to be discussed on a calendar for  
22 that day was put in place, to help the  
23 children that came to work for us as clerks,  
24 to go out there and to make sure that they  
25 were following the guidelines for what they

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1 were supposed to do as far as assisting  
2 representatives upon their request.

3 Q. And your resume describes your job  
4 title as a clerk/typist receptionist?

5 A. Right.

6 Q. Is that accurate?

7 A. That's accurate.

8 Q. In your job in the house of  
9 representatives, did you have any human  
10 resources responsibilities?

11 A. No, I didn't.

12 Q. Okay. Now, your job after that was  
13 with --

14 A. Was Striping Construction.

15 Q. From 1984 to 1985 with Quality  
16 Striping and Construction?

17 A. Uh-huh. It was still  
18 construction-type office manager there.

19 Q. Your job title and your resume shows  
20 secretary/office manager?

21 A. That's right.

22 Q. What did you do in that position?

23 A. Basically the same thing. Kept the  
24 office, did payroll, answered the phone, took  
25 messages, went to meetings in the absence of

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1 the manager.

2 Q. Did you have any human resources  
3 responsibilities?

4 A. No, I didn't.

5 Q. And after that job, you worked for  
6 about a year at --

7 A. Alabama State.

8 Q. -- Alabama State as a secretary?

9 A. I did. To the dean in the College  
10 of Education.

11 Q. And then after that, you worked for  
12 the Montgomery --

13 A. Montgomery County Commission. Then  
14 I came here.

15 Q. Now, what was your job --

16 A. Probate -- I was a clerk there. I  
17 worked there in the probate office.

18 Q. Did you have any human resources  
19 responsibilities there?

20 A. I didn't.

21 Q. Now, attached to your application  
22 for employment in defendant's exhibit three is  
23 what appears to be your resume. Is that  
24 accurate?

25 A. At that time, yes. It's changed

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1 since then, but this is it.

2 Q. All right. The resume you submitted  
3 to AUM in 1987?

4 A. Right.

5 Q. And everything on that resume is  
6 correct, is it not?

7 A. It is. What's the big difference in  
8 human resources experience and the experience  
9 that I've had here? Human resources is  
10 knowing how to deal with people. You read  
11 guidelines and you try to abide by them.  
12 What's the difference?

13 Q. Is there anything else -- is there  
14 anything else involved in human resources  
15 other than reaching out to people?

16 A. Sure, it is. It's to make sure that  
17 things are properly -- situations are properly  
18 handled and carried out.

19 Q. Is there anything else involved?

20 A. There's a lot more involved.

21 Ms. Foster can tell you that.

22 Q. Let's talk about the job duties that  
23 are identified in your affidavit.

24 A. Okay.

25 Q. You got five subparts in paragraph

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1 two that talk about your job duties; right?

2 A. Right.

3 Q. Are those your main -- the main  
4 duties you had in your job as assistant  
5 director?

6 A. They were.

7 Q. And was that as of --

8 A. The time I left.

9 Q. All right. In your affidavit, have  
10 you left out any significant job duties for  
11 which you had responsibility?

12 A. Well, no, I think this just about  
13 covers everything that I did.

14 Q. The reason I ask that is because in  
15 paragraph two you say part of my job duties  
16 included, but is not limited to, the  
17 following. And I'm concerned -- or, I'm  
18 interested in what job duties you may not have  
19 included there.

20 A. Well, you can strike the part of.  
21 Those were my job duties.

22 Q. Okay.

23 A. And others as assigned. But, of  
24 course, mine was just basically what I've got  
25 listed here is what I did.



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1 Q. What you've got listed in paragraph  
2 two is an accurate and complete category of --  
3 categorization of your job duties?

4 A. Of what I did, yes.

5 Q. All right. Let's look at  
6 subparagraph A. You say your job duties  
7 included to manage the recruitment and  
8 employment process for AUM. All right. What  
9 does that mean?

10 A. That means that I was in charge of  
11 interviewing applicants for positions after  
12 there were postings for a job. We had to post  
13 the position when it became available. My  
14 clerk would post it. It would be open for a  
15 number of days. After that, we referred  
16 applicants to the respective department.

17 And, of course, I had an applicant  
18 flow tracking which gave a breakdown and that  
19 was basically done for the EEO officer. I had  
20 to send a breakdown of the people that applied  
21 for a position by sex and race. And that  
22 was -- that was part of that process.

23 And after the position was filled,  
24 after we made the referrals, then I met with  
25 the person or individual that was hired and I



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1 did a benefit interview with them.

2 Q. Okay. We're down in subparagraph B  
3 now, aren't we?

4 A. Yeah. Uh-huh. Uh-huh.

5 Q. Okay. So subparagraph A talks about  
6 the --

7 A. The screening.

8 Q. -- filling of positions at AUM?

9 A. And interviewing if there was an  
10 applicant that came in. Most of the time I  
11 tried to always talk to applicants who were  
12 applying. But, of course, there was just so  
13 many sometimes because of the vast number of  
14 applicants who applied, I just did not have  
15 the time to go into that. But I tried to do  
16 that as often as I could. And then we would  
17 refer them to the respective department that  
18 was hiring.

19 Q. It sounds to me like you're talking  
20 about there are certain procedures in place  
21 here that you have to follow in terms of  
22 posting positions, bringing people in, filling  
23 positions, getting them interviewed and that  
24 sort of thing.

25 A. There was always a process that we

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1 used, sir.

2 Q. Okay.

3 A. It was hard not to.

4 Q. And you tried to follow that process  
5 as best you can; right?

6 A. I do. I did.

7 Q. All right. Let's look at B.

8 A. Okay.

9 Q. Subparagraph B.

10 A. Okay.

11 Q. Met individually with all new hires  
12 for explanation of payroll and benefit  
13 information.

14 A. Okay.

15 Q. Tell me what that means.

16 A. Okay. When anyone was hired, they  
17 had to come to my office and I would do a  
18 process of benefits. I made a packet of  
19 information for them. I explained the  
20 benefits to them. They signed up for those  
21 they wished to have, those that they didn't  
22 want to, like the health insurance, the dental  
23 insurance. We all had to participate in  
24 teachers' retirement. There was no option to  
25 that. We had to do that. And they would take

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1 out five percent, of course, of our gross  
2 income that went into the retirement system of  
3 Alabama. We had other -- like a voluntary  
4 retirement that they could join which was  
5 optional. The mandatory retirement was not.  
6 So that took every bit of 30 to 45 minutes for  
7 me to complete an interview with the  
8 individuals.

9 Q. For each person?

10 A. For each person, yes. And I also  
11 did for faculty and staff.

12 Q. I imagine you had to explain a lot  
13 of that to them, did you not?

14 A. I did. I did. Absolutely. I could  
15 not afford to push a packet in front of them  
16 and tell them to go for it. I had to sit  
17 there and go through it with them because that  
18 helped me to get them on. Because it gave  
19 them a better understanding.

20 Q. Now, is this the opportunity where  
21 they had to make their income tax withholding  
22 elections and that sort of thing as well?

23 A. They did. They did. They did that.  
24 That was handled before it got to me. They  
25 did the I-9 and the taxes and that was -- then

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1 the clerk would bring that in to me for me to  
2 actually have my interview with the person.

3 Q. Okay. Now, did you have primary  
4 responsibility for meeting with the new  
5 employees and going over this with them?

6 A. I did. I did. That was almost  
7 always my job since I was in that position.

8 Q. And you had the primary  
9 responsibility for managing the recruitment  
10 employment process, too, as well?

11 A. Well, yes, because every time we  
12 posted a job, we had to get it out to the  
13 proper places. We had to list it with the  
14 State employment service. We put it on the  
15 job line. And it was my responsibility, but,  
16 of course, I could delegate that to my clerk  
17 to make sure that she did that and it was done  
18 in a timely manner.

19 Q. Look at subparagraph three.

20 A. Okay.

21 Q. It looks like this talks about  
22 explaining the various policies that AUM had  
23 in place for its employees beyond payroll and  
24 benefits; right?

25 A. Uh-huh.

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1 Q. You've got to say yes.

2 A. Yes. Yes. Yes.

3 Q. Okay. Would you have -- how would  
4 you fulfill that obligation? You say you  
5 provided information and assistance. Did you  
6 give them a packet of information?

7 A. Okay. On-the-job injuries, we  
8 had -- we had -- we had a program. And, of  
9 course, if people called and they wanted  
10 information, we just gave them the forms.

11 And, of course, before I left, they  
12 started a new procedure that -- there was a  
13 procedure for like on-the-job injuries. They  
14 would call. We now give them a number to call  
15 and they talk to the person there to report an  
16 on-the-job injury.

17 Q. Okay. What I'm trying to find out,  
18 though, is this something that you did at the  
19 beginning of somebody's employment?

20 A. No, no.

21 Q. Or was this your responsibility  
22 throughout their employment whenever they had  
23 a question?

24 A. No. If someone -- I mean, we told  
25 them about it. If you have, you know, an

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1 on-the-job injury, you need to let HR know  
2 about that.

3 Q. Right.

4 A. That was discussed in the initial  
5 interview --

6 Q. Did you --

7 A. -- where we signed them up for  
8 benefits.

9 Q. Okay. But throughout an employee's  
10 term of employment at AUM, were you primarily  
11 responsible for answering questions they might  
12 have about FMLA, sick leave, vacation, that  
13 sort of thing?

14 A. Yeah. Debra Foster, as the  
15 director, could or I could. She had a list of  
16 guidelines that we -- of names that -- we had  
17 different jobs to do, so that was one of my  
18 duties to do.

19 Q. Okay. Were you -- would you say you  
20 were primarily responsible for that -- for  
21 that obligation?

22 A. Well -- well, I guess I could have  
23 been. But primarily -- I would say yes, along  
24 with Debra.

25 Q. Okay. Look at subparagraph D,

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1 planned and conducted/coordinated various  
2 employee programs ranging from --

3 A. New employee orientation.

4 Q. -- to driver education training.

5 Tell me a little bit about what that means.

6 A. Okay. The driver education means  
7 that everyone that drove a State vehicle had  
8 to go through a driver education program.  
9 Which I would get in touch with the public  
10 safety department. They would send out a  
11 representative from that office, basically  
12 someone in education that would teach. I  
13 would send out an e-mail campus-wide and  
14 employees who had any need to drive the State  
15 vehicles would have to go through that  
16 training. I maintained a log of that and I  
17 had to send it over to risk management at  
18 Auburn University once it went through  
19 Ms. Wanda Blake's office. She was the one  
20 that looked at it. So we kind of coordinated  
21 that together.

22 Q. And you also mentioned the annual  
23 retirees' reunion.

24 A. Right.

25 Q. What is that?



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1 A. Okay. The retirees' reunion, that  
2 was a service that I provided to employees in  
3 talking to Mr. Don Yancey from the State  
4 retirement system to come out and talk with  
5 employees, not those who were about to retire,  
6 but anyone who wanted to know about retirement  
7 and how it worked. So I had those -- I tried  
8 to have those about twice a year.

9 Q. Okay.

10 A. So I coordinated that.

11 Q. Now, look at subparagraph E.

12 A. Uh-huh.

13 Q. Let me back up. You were primarily  
14 responsible for the various employee programs?

15 A. I was.

16 Q. You put them together?

17 A. I put them together.

18 Q. And coordinated them?

19 A. Coordinated them. I did.

20 Q. Look at subparagraph E were you say  
21 you assisted and handled employee relations  
22 situations. What does that mean?

23 A. Okay. If an employee would call, a  
24 disgruntled employee or someone who had a  
25 problem, then I would either talk to that



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1 person or send them to Debra Foster. It all  
2 depended on the magnitude of it.

3 Q. When you say it all depended on the  
4 magnitude --

5 A. Well, if it was something that was a  
6 discrimination case or hostile environment or  
7 whatever that was. That was an EEO situation.

8 Q. And what was --

9 A. Some supervisors would call me and  
10 ask me, well, I need to discipline this  
11 employee. Then there was a process for that  
12 that they had to follow and they could do a  
13 first or second or third warning.

14 Q. Are you saying that if the problem  
15 that somebody called you about sounded more  
16 like an EEO-type problem, you would send it to  
17 Debra Foster?

18 A. In fact, most of them I informed her  
19 about them or referred her -- referred them to  
20 her. I'm not an EEO officer.

21 Q. Okay. You don't have any EEO  
22 training; right?

23 A. No, I don't.

24 Q. Okay. So you would normally refer  
25 those type of issues to Debra Foster?

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1 A. Absolutely. Absolutely.

2 Q. But you knew enough about the  
3 disciplinary --

4 A. Process.

5 Q. -- process that you could handle  
6 those type of --

7 A. Right. I could tell them what they  
8 needed to do.

9 Q. Okay. And would that include what  
10 process they needed to follow if they had a  
11 complaint of discrimination?

12 A. Yes.

13 Q. Okay. Or what they needed to do  
14 under the disciplinary policy?

15 A. Right.

16 Q. But you weren't primarily  
17 responsible for those activities, were you?

18 A. No, I wasn't.

19 Q. You were an assistant in that role,  
20 were you not?

21 A. Right. Right.

22 Q. An assistant to Debra Foster?

23 A. Right.

24 Q. Let's look at paragraph three.

25 A. Okay. And before we go further in

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1 that paragraph three, that January 2005 should  
2 have been 2004.

3 Q. Well, is it 2005 or 2004?

4 A. I just said it should have been  
5 2004.

6 Q. Oh, it should have been?

7 A. Yes.

8 Q. I thought you said it could have  
9 been.

10 A. No.

11 Q. So that's probably a typist error?

12 A. Yes, sir.

13 Q. Okay.

14 A. That was really when we met with  
15 Mr. --

16 Q. Do you want to make any other  
17 corrections to your affidavit?

18 A. No, sir. That's the only one.

19 Q. Okay. So in January 2004, Cynthia  
20 Ellison came to the human resources office to  
21 report concerns she had with Chris Mahaffy?

22 A. Yes, sir.

23 Q. Did Cynthia Ellison come to your  
24 office?

25 A. She did. In fact, she had called me

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1 because she was very upset. And this started  
2 around 2003, 2004. Because she thought that  
3 she was put in a hostile environment because  
4 of the way Chris Mahaffy was acting toward  
5 her.

6 Q. All right. What -- she called you  
7 and then you met with her; right?

8 A. Yes. Yes, sir.

9 Q. What detail did she give you when  
10 she called you?

11 A. She just said I am just so nervous.  
12 Chris is frightening me with his behavior.  
13 And I asked her then -- I said have you spoken  
14 with your superior. My recommendation always  
15 when anyone came, not only Cynthia, but if  
16 anyone would come, I would send them back to  
17 their supervisor to talk with their supervisor  
18 before --

19 Q. That's what the policy says, isn't  
20 it?

21 A. Uh-huh. And, you know, then she  
22 came over and she talked with me. And, you  
23 know, I said, well, go back and talk with  
24 them. She went back and talked with them as  
25 far as I know.

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1 Q. With who?

2 A. With at that time Dr. Bob Elliott.

3 Q. Okay. Let's back up. When you  
4 talked to her on the telephone, you told her  
5 to go talk to her supervisor because that's  
6 what the policy requires; right?

7 A. Uh-huh. Right.

8 Q. Do you know if she did that after  
9 you and she talked on the telephone?

10 A. She did. She did. Because she said  
11 to no avail.

12 Q. She talked to Bob Elliott?

13 A. At that time. At that time it was  
14 to no avail. And she came over later maybe in  
15 about another week or so and we talked about  
16 it.

17 Q. Now, if an employee such as Cynthia  
18 Ellison does not get any satisfaction in  
19 complaining to her immediate supervisor, at  
20 that point she's free to come to HR and  
21 complain?

22 A. Yes, sir.

23 Q. Is that how you interpreted her  
24 conduct at that point?

25 A. I would. And I would have referred

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1 her to the director of human resources --

2 Q. And did you do that?

3 A. -- since she's the EEO officer.

4 Q. You referred her to Debra Foster?

5 A. I told her she was going to need to  
6 talk to Debra Foster.

7 Q. Okay. Was that the end of your  
8 involvement in that reporting of her  
9 behaviors?

10 A. Well, no. Because nothing had  
11 happened. So she came back to me again and  
12 she called me. And she came back to me  
13 several times.

14 Q. Several times?

15 A. Uh-huh.

16 Q. Did you keep a record of these  
17 visits?

18 A. Not necessarily. I didn't. Huh-uh.  
19 I just know that she was upset. She was a  
20 nervous wreck. She appeared to be. I said,  
21 well, you're going to have to do something.  
22 At that time, I think, in a conversation later  
23 with Dr. Glen Ray who they were also -- this  
24 was during a search for the dean's position.  
25 We had a search for the Dean in 2003, 2004,

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1 dean of sciences. At that time, I think  
2 Dr. Mahaffy was apparently exhibiting these  
3 attitudes toward Ms. Ellison because she was  
4 on the search committee.

5 I also during a meeting that  
6 Mrs. Foster and I later had with Dr. Glen Ray,  
7 Dr. Moody -- and, of course, there were some  
8 other people in the department she talked to,  
9 but I was not involved in that -- they said --  
10 they noticed his behavior was of such a  
11 magnitude that they referred him to a  
12 psychologist -- psychiatrist.

13 So, you know, she was back and forth  
14 and feeling she was in a hostile environment  
15 because nobody was doing anything. Then later  
16 in around November/December 2004, she came  
17 back to our office and that's -- I said you've  
18 got to talk to Debra.

19 Q. Let's stay in January 2004 for right  
20 now.

21 A. Okay. Okay. All right. That's  
22 fine.

23 Q. We'll get to that. Don't worry  
24 about it.

25 A. Okay. Okay.



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1 Q. She said she called you. Do you  
2 remember what date she called you the first  
3 time?

4 A. Well, it was probably -- it was in  
5 January. Sometime in January. I don't know.  
6 Early January, December/January.

7 Q. Okay.

8 A. I don't remember exactly to be  
9 honest.

10 Q. Well -- so when you say January 2004  
11 in your affidavit, it could very well be  
12 December 2003?

13 A. No, it could have been -- it was  
14 January 2004.

15 Q. Now, she called you in January?

16 A. But, now, she had complaints about  
17 this from 2003.

18 Q. That she mentioned to you when she  
19 called you?

20 A. Uh-huh.

21 Q. Okay. We are going to get to that.

22 A. She said this has been going on for  
23 a long time.

24 Q. When she called you in  
25 January 2004 --



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1 A. Uh-huh. Yes.

2 Q. -- now, this is the first complaint  
3 she made to you -- Cynthia Ellison has made to  
4 you about Chris Mahaffy?

5 A. Right.

6 Q. Okay. List for me the things that  
7 she complained about.

8 A. She said that he would come and  
9 stare in her office. He would stare at her.  
10 He wouldn't say anything to her. He would  
11 stand in her doorway and stare at her. She  
12 went to work one morning. I guess she would  
13 go into the office early, maybe seven o'clock,  
14 to catch up on some work. She said he would  
15 sit there. He was sitting there one morning  
16 crying --

17 Q. Okay.

18 A. -- and dressed in an overcoat, had a  
19 backpack that she had no idea what was in it.  
20 And those are some of the things I remember  
21 she mentioned to me.

22 Q. Do you recall any other events or  
23 behaviors that Cynthia Ellison mentioned to  
24 you in January 2004 about Chris Mahaffy's  
25 behavior that she found offensive?

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1 A. No.

2 Q. When she mentioned these behaviors  
3 to you, did she tell you when each of the --  
4 each of them occurred?

5 A. No. We didn't go into that.

6 Q. Did you ask her?

7 A. I didn't.

8 Q. Okay. And these are the events that  
9 you say made her nervous and were frightening  
10 her?

11 A. Right. Because he would just stare  
12 at her. She said he would just sit there,  
13 stand up and just stare at her. And, I mean,  
14 it would make me uncomfortable.

15 Q. Did Cynthia Ellison ever tell you  
16 that Mahaffy touched her?

17 A. No.

18 Q. Did Cynthia Ellison ever tell you  
19 that Mahaffy said anything threatening or  
20 intimidating to her?

21 A. He said that blacks should not be in  
22 responsible positions.

23 Q. Okay. That's another event. You  
24 didn't mentioned that to me a minute ago. You  
25 just recalled that?

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1 A. Well, I recalled it when you put it  
2 the way you did.

3 Q. Okay. When did that occur?

4 A. That occurred I believe in 2004.  
5 2004, 2005. I don't know.

6 Q. Sometime in those two years?

7 A. I don't remember. Right. I  
8 don't -- I don't want to get into specific  
9 dates with you because I really don't remember  
10 them.

11 Q. Is that something you heard or is  
12 that something that Cynthia Ellison told you?

13 A. Well, that's what I heard from one  
14 of the -- the managers in her department say.  
15 And Cynthia Ellison told me he said it also.  
16 And one of the faculty members said he said  
17 that.

18 Q. All right. Which manager told you?

19 A. Dr. -- Dr. Glen Ray in an interview  
20 that Ms. Foster and I had with him.

21 Q. When was that?

22 A. That was in December 2004.

23 Q. All right. And when did -- strike  
24 that. Who else told you that Mahaffy made  
25 that remark?

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1 A. Well, Ms. Ellison said that he made  
2 that remark to her. In fact, Debra Foster  
3 said that Mahaffy said in a meeting that  
4 Ms. Ellison and I had with Ms. Foster, she  
5 said that Chris Mahaffy said that blacks  
6 should not be in responsible positions.  
7 Ms. Ellison said, well, then, Ms. Foster, you  
8 should feel offended. I know I was as an  
9 African American.

10 Q. When did Cynthia Ellison tell you  
11 that Mahaffy made the remarks about blacks  
12 being in power?

13 A. That was in December.

14 Q. Of?

15 A. '04.

16 Q. '04. Okay. So if you refer back to  
17 your affidavit, you're talking about  
18 January 2004. That remark did not come up at  
19 that time; right?

20 A. No, it didn't.

21 Q. That's what I was trying to get at.

22 A. Oh. Okay. No, it didn't.

23 Q. I'm just trying to put things in  
24 order here.

25 A. Okay. That's fine.

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1 Q. Now, when she called you in  
2 January 2004, you told her to go talk to her  
3 supervisor?

4 A. I did always.

5 Q. Which was Dean Bob Elliott?

6 A. Bob Elliott at the time. Then after  
7 Bob Elliott left -- I don't remember exactly  
8 when he retired, but it was shortly thereafter  
9 I believe. And then Brad Moody was the  
10 interim dean before Lawal got there.

11 Q. Now, do you know if Cynthia Ellison  
12 went to talk to Bob Elliott about the behavior  
13 she complained to you about it?

14 A. I don't know it, but I firmly  
15 believe that she did.

16 Q. Did she tell you she did?

17 A. She did.

18 Q. All right. And she told you that --  
19 I think your words were it was to no avail.

20 A. Right.

21 Q. What else did she tell you about her  
22 meeting with Bob Elliott?

23 A. She said nobody was doing anything  
24 at that particular time. But later I found  
25 out that Bob -- that he had -- Mahaffy had

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1       been referred for psychiatric training.

2           Q.     Okay.

3           A.     And I know that he also had -- he  
4       had made a statement, I think, saying that a  
5       student was too young to be admitted to  
6       pharmacy school and that, of course -- we  
7       brought some training from one of the local  
8       law firms that came out and did some training  
9       that was supposed to be a help factor, I  
10      guess, with him then. I don't really know.

11          Q.     Now, when Cynthia Ellison reported  
12      to you that her meeting or conversation with  
13      Bob Elliott did not produce any results, what  
14      was your reaction, your response?

15          A.     Well, my response to her is but  
16      surely they're going to help you.

17          Q.     Who is they?

18          A.     The dean.

19          Q.     You're talking about Bob Elliott?

20          A.     Dean Bob Elliott. Right. Bob  
21      Elliott and Glen Ray who was the associate  
22      director I believe.

23          Q.     Wasn't Glen Ray Brad Moody's  
24      associate dean?

25          A.     Right. Right.

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1 Q. Was he also Bob Elliott's associate  
2 dean?

3 A. I think he was.

4 Q. Now, did Cynthia Elliott tell you in  
5 person or on the telephone that her meeting  
6 with Bob Elliott was to no avail?

7 A. No. In person. She came over to  
8 the HR office.

9 Q. Okay. And then you referred her to  
10 Debra Foster; is that correct?

11 A. And I told her if she did not have  
12 any response from her department head, her  
13 next step would be to go to Debra Foster, the  
14 EEO officer, and lodge a complaint.

15 Q. And when you say department head,  
16 you're referring to Dean Elliott?

17 A. Right.

18 Q. And your referral of Cynthia Ellison  
19 to Debra Foster was consistent with --

20 A. The policy and procedure.

21 Q. -- right -- for reporting this type  
22 of --

23 A. Exactly. She was reluctant about  
24 going to Mrs. Foster and I said why. And she  
25 said because she hasn't done anything for me



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1 in the past. There was an Allison Stevenson's  
2 case when Ms. Stevenson called her a nigger.  
3 And, of course, it was -- at that time,  
4 Ms. Foster said she didn't have -- she had  
5 never had a case like that before. She wasn't  
6 quite sure how she should handle it. So I  
7 think in between that time, that's probably  
8 why she was even reluctant about going to  
9 Ms. Foster. But I knew that I was not the EEO  
10 officer and I could not handle the situation.

11 Q. In your affidavit in paragraph  
12 three, the events you're referring to there  
13 occurred after the Allison Stevenson --  
14 Allison Stevens incident; is that right?

15 A. I don't remember when that Allison  
16 Stevenson situation happened. I know it  
17 happened, but as far as the timeframe on it, I  
18 would just be remiss from giving you a date  
19 that I'm not sure of.

20 Q. I understand, but what you're  
21 talking about in paragraph three is Cynthia  
22 Ellison coming to you about Mahaffy's -- about  
23 Mahaffy?

24 A. Yes, sir.

25 Q. And not about Allison Stevens?



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1 A. No. But I'm just telling you why  
2 maybe. Because I don't think at that  
3 particular time she went straight to  
4 Ms. Foster about the situation.

5 Q. You don't think she did?

6 A. Not at that particular time, no.  
7 Because I think she -- her feeling was that  
8 she wasn't going to do anything for her any  
9 way.

10 Q. As a result of what happened with  
11 Allison Stevens?

12 A. Yes, sir. Or whatever had happened.  
13 Plus there was another situation that had  
14 happened with a student -- an employee in the  
15 sciences -- in the sciences department who had  
16 applied for a position. And his name was  
17 Jesse Clayton. And I know that he was -- he  
18 came with a complaint to us and he said that  
19 Ms. Foster told him go back over there and  
20 don't make waves; they weren't going to do  
21 anything for him. So that was a situation  
22 that Ms. Ellison was very well aware of. And  
23 I guess because of that, she did not go to  
24 Ms. Foster.

25 Q. If Cynthia Ellison or any employee

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1 refused to go to, you know, the director of  
2 human resources, what other recourse do they  
3 have under the policies that exist here?

4 A. Well, they could always go to the  
5 chancellor and, you know, I think in one  
6 situation she did. But she eventually went to  
7 Ms. Foster.

8 Q. Okay.

9 A. She eventually went to her.

10 Q. Okay. With reluctance; right?

11 A. I would say so, because she -- she  
12 didn't think she was going to do anything to  
13 help her I guess.

14 Q. And is it your testimony that you  
15 didn't take any notes about any of these  
16 meetings or conversations with Cynthia  
17 Ellison?

18 A. I didn't with Cynthia. I did --  
19 well, when she met with Debra -- when she met  
20 with Debra, we met together. Because we  
21 had -- once the investigation was launched,  
22 there were several meetings.

23 Q. Okay. Well, I'm not there yet.

24 A. Okay.

25 Q. We'll get there. Would you agree

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1 with me that that was the end of 2004 and  
2 beginning of 2005?

3 A. Uh-huh. Yes, sir.

4 Q. Let's stick with 2004 for a few  
5 minutes.

6 A. Okay.

7 Q. I know you didn't mention in your  
8 affidavit, but let's talk about the Allison  
9 Stevens event for a moment.

10 A. Okay.

11 Q. And, first, tell me what your  
12 involvement in that was.

13 A. I really had little involvement.  
14 Debra told me about the situation. Cynthia  
15 told me about it. She said I've had this  
16 confrontation. I didn't make any notes to  
17 this either. I am a lot of times a sounding  
18 board and was for a lot of employees, although  
19 I know how important it is to document.

20 But I said what happened. She said,  
21 well, she called me a nigger. And I said oh,  
22 well, that's another thing she needed to do  
23 was talk to Debra about that. You know, that  
24 was important enough to bring to the immediate  
25 attention of the EEO officer.

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1                   So I really don't know. I remember  
2 Debra telling me about it. She said that  
3 Cynthia -- that Allison had called Cynthia, so  
4 she heard, a nigger. But it would probably be  
5 a he-said-she-said case. She had never had a  
6 case like that before. She didn't know how to  
7 deal with it. So that was about the end of my  
8 involvement with that.

9                   Q. Okay. You did sit in on one  
10 meeting, though, involving the investigation  
11 concerning the Allison Stevens incidents, did  
12 you not?

13                  A. I think maybe I did. I really don't  
14 remember. I really don't remember.

15                  Q. Do you recall --

16                  A. Because Debra and I talked about it.  
17 But as far as a formal meeting, I don't  
18 remember. If Allison walked in right now, I  
19 don't think I'd recognize her.

20                  Q. Do you recall if you sat in any  
21 meeting because Cynthia Ellison wanted a third  
22 person?

23                  A. Me to be there, yes.

24                  Q. That's your recollection?

25                  A. Some of her meetings she did. In

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1 fact, most of them.

2 Q. But you don't have any firsthand  
3 knowledge about the Allison Stevens incident,  
4 do you?

5 A. No, I don't. I wasn't there.

6 Q. Okay. Now, in paragraph four of  
7 your affidavit --

8 A. Yes, sir.

9 Q. -- at the bottom, you say that  
10 Mahaffy, through his conduct, placed her in a  
11 hostile environment.

12 A. Uh-huh.

13 Q. Is that -- is that what she reported  
14 to you or is that the conclusion you reached  
15 based on what she said?

16 A. Well, that was the conclusion that I  
17 reached.

18 Q. Did she -- did Cynthia Ellison use  
19 those words hostile environment?

20 A. Yes, she did. She did.

21 Q. Did she tell you what she meant by  
22 that phrase?

23 A. Well, I knew what it meant. It  
24 meant that she was frightened and that it was  
25 an uncomfortable setting for her.

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1 Q. Does it mean anything else to you?

2 A. I don't think so.

3 Q. Okay. And you go on to say,  
4 unfortunately, she was a nervous wreck.

5 A. She was. I could just tell it in  
6 her voice. I mean, I've known Cynthia since I  
7 came to work at AUM in 1988. She has had  
8 composure. She has been a professional. She  
9 has done her job. And she has been very  
10 cognizant about her surroundings and things of  
11 that nature. And for her to come to me -- I  
12 mean, there are things you know when you know  
13 employees and I would -- I'm not perfect, but  
14 human resources meant knowing and working with  
15 people. And, of course, the guidelines and  
16 the laws, we knew we had to know those too.

17 But I knew when I spoke with her  
18 that she was not a person that was not feeling  
19 that she was without -- or out of harm's way.  
20 I could feel that. I could certainly feel it  
21 and tell it in her voice.

22 When I saw her, she was like this.  
23 I said what is wrong with you. She said I'm  
24 about to go out of my mind. She said he just  
25 comes and sits in my office, Faye; somebody

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1 has got to do something to help me with this  
2 person. I can't do my work. So, I mean, all  
3 I had to go on was her -- what I saw and what  
4 I heard.

5 Q. Okay. Other than the behaviors you  
6 told me about -- and you've got them in  
7 paragraph four here, too -- did Cynthia  
8 Ellison tell you why she thought Mahaffy was  
9 behaving in that fashion?

10 A. Because she thought he thought she  
11 had some pull in the search committee. She  
12 was on the search committee for the dean's  
13 position.

14 Q. Right.

15 A. He thought that she could pull a  
16 string, I guess, to get him into that position  
17 or to make it so that he would have been a  
18 viable candidate for that position. And my  
19 knowledge and understanding is that he wasn't,  
20 was never. But he held that over her and I  
21 think the demeanor -- his entire demeanor  
22 towards her changed during that time.

23 Q. And do you think that he conducted  
24 himself the way you describe because he blamed  
25 her for not assisting him in the dean search?



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1 A. Yes, sir. I absolutely,  
2 unequivocally do.

3 Q. Okay. Do you know of any other  
4 reason why he would have behaved in that  
5 fashion?

6 A. I wouldn't know any other reason.

7 Q. All right. Let me ask you a little  
8 bit about your working relationship and  
9 knowledge of Debra Foster.

10 A. Okay. Debra came to work in the HR  
11 office in 2000, 2001 I believe --

12 Q. Okay.

13 A. -- when she first came to campus.  
14 And I wanted to stay on because once she was  
15 hired, I really felt we're going to do wonders  
16 for this campus. I wanted to get an employee  
17 assistance program going. She came from a  
18 university. I thought she could bring new  
19 knowledge into the area and we could work  
20 together.

21 When she came to work with us, I  
22 took her to her office and I told her that I  
23 would be the best assistant director to her  
24 that I could possibly be. I don't know what  
25 happened down the line. Because, you know,



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1 there were times when I -- you know, when I  
2 would have thought she would have come to me  
3 to talk to me about some things. She went to  
4 a clerk that I had at that time, which was --  
5 subsequently she was fired the day before I  
6 came back to work. But --

7 Q. What's the clerk's name?

8 A. Susan McNeal. She worked and  
9 reported to me. And, of course, you know,  
10 there were some good things that Debra has  
11 done for the HR office. But I left the HR  
12 office because I could not stand the lack of  
13 integrity there nor the nonprofessionalism.  
14 That's why I left.

15 Q. Okay. Let's talk about --

16 A. I have nothing personal against  
17 Ms. Foster, but I just -- some of the  
18 things -- talking about employees. They're  
19 stupid. Cynthia Ellison would call. What  
20 does she want now; when is she going to  
21 retire. Those were unprofessional -- to me  
22 that was very unprofessional behavior.

23 Q. Can you give me some examples of  
24 what you considered to be the lack of  
25 integrity in the human resources office?

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1           A.    Well, when you -- when you're  
2    talking loud, if there's a case -- and I  
3    remember I worked very closely and wanted to  
4    learn the EEO that I was not formerly trained  
5    for. There were times I had to get up and  
6    close the office door because Ms. Foster was  
7    talking so loud about things I called and  
8    thought were personal in nature when an  
9    employee would come to complain about  
10 something. That was unprofessional.

11           The integrity, if you go and talk  
12 about that to your employees -- there were  
13 things that I didn't need to know in that  
14 office as assistant director when it came to  
15 certain things. With her being the  
16 affirmative action EEO officer, there were  
17 things that I didn't need to know. But, yet,  
18 still there were things that were talked about  
19 that certainly should not -- they were  
20 inappropriate.

21           When I left this campus, sir, I sent  
22 out an e-mail telling people that I was  
23 retiring. I've got e-mails that people sent  
24 to me saying the lack of integrity. And it's  
25 nothing personal against Ms. Foster. When she

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1 came, I welcomed her. I told her that I would  
2 be the best assistant director to her that I  
3 could be. And I don't know. And then she  
4 said, well, what am I supposed to do. I said,  
5 well, you can start by reading this  
6 information that your predecessor left for  
7 you.

8 I mean, I'm not perfect, but I  
9 believe in professionalism. And I've tried  
10 to -- I love this university and would have  
11 been here until I reached full retirement.  
12 I'll be 65 years old next year and I could  
13 easily have stayed and it hurt me to leave.  
14 I'm sorry. Maybe I got away from you. What  
15 else do you want to know?

16 Q. Well, I mean, I don't -- are those  
17 the reasons you retired?

18 A. Yes.

19 Q. Are there any other reasons?

20 A. No, sir.

21 Q. And it had mainly to do with the way  
22 Debra Foster conducted herself in the office?

23 A. I could not -- exactly. A second --  
24 my clerk -- which that was okay. She  
25 wasn't -- there were some issues that Debra

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1 had that she really needed to do what she did  
2 to a point. But it's the way we do anything.  
3 I was coming back to work that next day. She  
4 could have at least given me the opportunity  
5 to come and talk about it.

6 I didn't have anything -- when she  
7 said she had terminated her, fine. You know,  
8 you did that. But why didn't you wait until I  
9 got back? But then I heard that she said I  
10 was too protective. Well, my goodness, if I  
11 can't respect and be protective to people who  
12 are loyal to me, who can I be?

13 Q. Well, are you saying Susan McNeal  
14 was loyal to you?

15 A. She was loyal to the whole office,  
16 this university. She was my --

17 Q. Debra Foster certainly had the  
18 authority to discharge her, did she not?

19 A. Yes, she did.

20 Q. And your concern is that she did not  
21 consult with you prior to doing that?

22 A. No, she didn't. She fired her. She  
23 called me at home. I was still on leave. She  
24 said I had to let Susie go. I said okay.  
25 Couldn't you have waited until I got back;

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1 I'll be back on Tuesday. And she said no.  
2 She was told that she had to do it, so I don't  
3 know.

4 Q. Do you know the details behind all  
5 that?

6 A. Well, Susan was -- Susan had ways  
7 where she really didn't show Debra the  
8 respect. And to me, neither one of them did.  
9 Because when we would have meetings, I would  
10 say, Debra, you've created a monster out here  
11 because the secretary -- Debra's secretary and  
12 my clerk, they were pitted against each other.  
13 Susie didn't like her, but there were things  
14 as a manager that we can do.

15 And to me, human resources is more  
16 than just doing affirmative action and EEOs.  
17 There were things that we could have done to  
18 make those employees -- try to help them, not  
19 start fires, but put them out. And that's  
20 what I wanted to see happen.

21 But Susie had -- she had a mouth.  
22 She would talk. She would talk back to Debra  
23 sometimes. So I'm not denying that. She was  
24 not perfect. But she did her job and she and  
25 Debra stayed into it all the time about one

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1 thing or the other.

2 Q. Do you know the reason for her  
3 dismissal?

4 A. Let me see. They said an employee  
5 had called -- an applicant had called about a  
6 position. Susie thinks it was a setup. This  
7 applicant had called about a position. He  
8 said that Susan did not speak to him in a  
9 professional manner. And he went through the  
10 chancellor's office and reported, although  
11 Dr. Nance wasn't here at the time. He talked  
12 with the secretary down there. And he called  
13 upstairs and talked to Ms. Foster, said that  
14 Susie was not professional with him. She was  
15 trying to help him. Because he said that his  
16 application was there on time. We had  
17 deadlines for applicants to apply for  
18 positions, sir. If they didn't make that  
19 deadline, so be it. I did not refer them. I  
20 said we have guidelines and I went by the book  
21 as much as I could.

22 And she said that she told him your  
23 application isn't here. He said, yes, it is.  
24 But later found out that that application came  
25 in after the deadline date. And he was -- he

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1 was then referred for a position.

2 But, anyway, they had  
3 confrontations. Debra came in, employed  
4 Susan. Susan and Debra had some words and I  
5 guess that was -- I don't know. I wasn't  
6 there. But that's what I'm told.

7 There was an investigation. There  
8 was a grievance filed behind that, though.  
9 And the grievance procedure was followed and I  
10 think there was -- and I came out for that  
11 because I was called in as a witness. I gave  
12 testimony. I don't know what happened. I  
13 later found out it was tape-recorded, not like  
14 she's doing. But then I heard the tapes came  
15 up missing. So I don't know.

16 But, anyway, you know, she -- she  
17 didn't -- she threatened to sue and she did  
18 not sue, but she -- and my concern for her,  
19 she had worked here in the system for 22 years  
20 in the retirement system of Alabama. So I was  
21 helping her to try to find a job so she could  
22 stay in the system and not lose her time. So  
23 thank God, she has a job now. She's working  
24 with the DOT. But that was -- that was just  
25 awful.



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1 Q. But you don't know how her  
2 grievance -- the result of her grievance?

3 A. Well, it went all the way up and  
4 they decided that they would not bring her  
5 back. You know, that was concluded.  
6 Dr. Nance made that final decision, which it  
7 had to go to her.

8 Q. Ms. Ward, have you ever said any  
9 negative things about Debra Foster to Cynthia  
10 Ellison?

11 A. No, I have not.

12 Q. Have you ever said any negative  
13 things about Debra Foster to Ms. Rodgers?

14 A. No, I haven't.

15 Q. Have you ever said any negative  
16 things about Debra Foster to Courtney Ellison?

17 A. No, I have not.

18 Q. Have you ever said any negative  
19 things about Debra Foster to anybody?

20 A. No, I haven't.

21 Q. Okay.

22 A. I mean, most people knew, I think,  
23 why I left. I'm too professional for that and  
24 I would hope Ms. Ellison -- Ms. Foster would  
25 be also.

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1 Q. Let's look down -- go back to your  
2 affidavit if you would, please.

3 A. Okay.

4 Q. And let's look at paragraph number  
5 five.

6 A. Yes, sir.

7 Q. We're in January 2005 now; right?

8 A. Uh-huh. Uh-huh.

9 Q. It says that Debra Foster scheduled  
10 a meeting with Mahaffy.

11 A. Right.

12 Q. And you attended that meeting?

13 A. Yes, sir.

14 Q. Was it just you, Debra Foster and  
15 Mahaffy in that meeting?

16 A. Yes, sir.

17 Q. And it was on January 10th; correct?

18 A. Uh-huh. Yes.

19 Q. You say that was after Cynthia  
20 Ellison reported the discrimination; right?  
21 What are you referring to there?

22 A. Well, see -- well, see, this was  
23 after. Well, she had reported discrimination  
24 back in 2004 as I told you. All right? And  
25 then later when she came and talked with

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1 Debra -- or, no, Debra got a letter from  
2 Dr. Ritvoe, because Cynthia had written a  
3 letter. He told her to put it in writing.

4 She had sent the letter to  
5 Dr. Ritvoe and because of the nature of the  
6 letter and Debra being the EEO officer, he  
7 sent that letter up to HR. Okay. At that  
8 time, I'm not sure if Cynthia had talked with  
9 Debra by then -- if she had spoken with Debra  
10 by then, but I know that Debra started the  
11 investigation.

12 Q. Okay. When did your involvement in  
13 that investigation begin?

14 A. In December.

15 Q. What did you do?

16 A. And I don't know why because I kept  
17 telling Dr. Ritvoe and those I'm not the EEO  
18 officer; why should I have to go to these  
19 meetings. It was never that way in the past.  
20 But, anyway, he wanted me to go to the  
21 meeting.

22 But, anyway, in December of '04, we  
23 talked to Glen Ray, Brad Moody. And I was  
24 asked to sit in on all those meetings and I  
25 asked him why. And he said, well, because we

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1 trust you. And I looked at him and I said,  
2 well, I'm not the EEO officer. But Dr. Ritvoe  
3 and Debra also wanted me to attend those  
4 meetings.

5 Q. Do you feel like Cynthia Ellison  
6 followed the correct procedure in reporting  
7 the discrimination that you're referring to in  
8 paragraph five?

9 A. I think she did.

10 Q. It got to HR, didn't it?

11 A. It did. It did.

12 Q. Do you know if she also complained  
13 to the dean, who would be her immediate  
14 supervisor?

15 A. You mean the last dean, Dr. Lawal?

16 Q. Yes. Dr. Lawal.

17 A. Yes. Because he had the same  
18 complaint that Mrs. Ellison had. He thought  
19 that Mahaffy was being discriminatory toward  
20 him. In fact, when he came to see Ms. Foster  
21 and myself, he said that he wanted his case  
22 aligned with Ms. Ellison's case. And  
23 Ms. Foster said, well, you're faculty. You  
24 know, we don't need to do your case. I'm not  
25 doing your case. And I said, well, after all,

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1 you're the EEO officer for the whole campus,  
2 be it the faculty or staff. So Dr. Lawal  
3 knew. Oh, yeah, he knew Cynthia's complaint.

4 Q. Okay. So in terms of getting the  
5 complaint to the right people, you feel like  
6 the procedures were followed.

7 A. I do.

8 Q. Right?

9 A. I do in the final analysis.

10 Q. And that was in December 2004.

11 A. Uh-huh.

12 Q. Right?

13 A. That's right. Because we had our  
14 first -- our first interview, I think, was in  
15 December with -- because before Chris was  
16 called in, there was an interview with Glen  
17 Ray -- Dr. Glen Ray, Dr. Brad Moody and  
18 Ms. Foster talked by phone to Dr. Elliott. I  
19 was not involved in that one. And she spoke  
20 with Mr. Judd -- Dr. Judd Katz in his office.  
21 I was not involved in those.

22 Q. Okay. Do you feel like the correct  
23 people were interviewed in a part of this --  
24 as part of this investigation?

25 A. Yes, sir. I do.

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1 Q. Do you believe that there was anyone  
2 who was not interviewed who should have been  
3 interviewed?

4 A. No. I think because Dr. Glen Ray --  
5 he was in the position where, you know, he  
6 worked closely with Dr. Mahaffy. Of course,  
7 Dr. Moody was the interim dean at that time.  
8 Dr. Bayo, who came -- Lawal, who came later,  
9 he was ultimately the dean of the School of  
10 Sciences. And I don't know.

11 Q. Okay. Do you know what Cynthia  
12 Ellison's complaints of discrimination were at  
13 that time?

14 A. Well, that she was just being  
15 treated differently, maybe because she was  
16 African American. I don't know. But her real  
17 concern was she was being placed in a hostile  
18 environment because of Dr. Mahaffy's behavior.

19 Q. Did you stay involved -- I'm sorry.

20 A. And that's why I didn't understand  
21 about Dr. Lawal. Because -- well, maybe you  
22 haven't gotten to that point yet. But I'll  
23 wait.

24 Q. Did you stay involved in the  
25 investigation that originated with Cynthia

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1 Ellison's complaint to the end?

2 A. I did. I did. As far as to the end  
3 of the meetings and until I left, you know.  
4 And then up until -- in fact, I came back in  
5 July, yes, and then Ms. Ellison left in  
6 February. Uh-huh.

7 Q. Let's go through the investigation.  
8 I think you told me that you had meetings in  
9 December --

10 A. Yes, sir.

11 Q. -- 2004 and you were in some and not  
12 in others.

13 A. Right.

14 Q. Right?

15 A. Yes, sir.

16 Q. Okay. Now, you're referring in  
17 paragraph five to a meeting on January 10th.

18 A. January 10th. Uh-huh.

19 Q. With --

20 A. With Mahaffy.

21 Q. Chris Mahaffy?

22 A. Yes, sir.

23 Q. Tell me about that meeting. Tell me  
24 what went on.

25 A. Okay. He came to our office and, of



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1 course, as I said, Debra had asked me to sit  
2 in and Dr. Ritvoe wanted me to sit in also.  
3 So when he came to the office of human  
4 resources, we escorted him down the hall to --  
5 the special services department have a  
6 conference room. We did not have one in HR.

7 So as we went down, he asked -- he  
8 said is this about Allison Stevenson. And so  
9 Debra said no. And he said, well, I thought  
10 that had been over -- taken care of. So I  
11 said, yes, you know, as far as I know, that's  
12 been taken care of.

13 So he said what is this about. So  
14 as we entered into the conference room, Debra  
15 said to him, well, come on in, Chris; this  
16 isn't about anything too much. Cynthia  
17 Ellison just placed -- filed a complaint to  
18 Roger Ritvoe and he sent it up to me. And  
19 because of the nature of it, I have to  
20 investigate.

21 And Debra started asking him  
22 questions about whether or not he, you know,  
23 was discriminatory toward Cynthia and he  
24 talked about that and, no, he didn't do this,  
25 that or the other for whatever she was asking.

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1 I asked him one question. I said on a scale  
2 of one to ten, how do you work with Dr. Lawal  
3 and Cynthia. He said I don't.

4 So -- and he said that he would be  
5 taking over and people were not going to -- to  
6 follow his direction. So, you know, Dr. Lawal  
7 had the same concern that Ms. Ellison had  
8 about him being discriminatory toward him.  
9 And he said that blacks -- he said he did not  
10 say that blacks are in power.

11 Q. Did you follow up your question to  
12 him about why he didn't work with the dean's  
13 office?

14 A. No, I didn't. I didn't follow that  
15 up because Debra -- at that time, she was  
16 interviewing him. I just wanted to know.

17 Q. Was it your conclusion that he still  
18 felt bitter over the selection process and  
19 that's why he didn't react well with that  
20 office or react at all with the office?

21 A. I do. I do. In fact, it was  
22 later -- and we'll probably get to that -- it  
23 was later also discussed in the conversation  
24 with Dr. Ray and Dr. Moody that he did show  
25 and change his attitude toward Ms. Ellison

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1 during those search committees. There were  
2 two search committees, you know. There were  
3 two searches.

4 Q. After the meeting with -- strike  
5 that, please. Was it consistent, do you  
6 think, with AUM's policies to meet with  
7 Mahaffy as a person who was being accused of  
8 making these -- having these difficulties?

9 A. Absolutely, sir. Anytime an  
10 investigation would come about, we would get  
11 on an investigation within -- if it's the  
12 sexual harassment or if it was something of  
13 that -- discriminatory, that would be handled  
14 immediately by calling in the person and the  
15 person who was being accused of. That was  
16 done immediately. And then, if not, at least  
17 within 24 to 48 hours. You call in those  
18 individuals and you start getting --  
19 collecting your information. And then you  
20 move. It was nothing that ever sat around for  
21 any definite period.

22 Q. Okay.

23 A. I remember that because, of course,  
24 I may not have been that directly involved in  
25 those investigations, but if I had

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1 information, I was asked from the director,  
2 well, give me what information you have about  
3 the situation. I would present it to her and  
4 that was it because, as I said, I'm not an EEO  
5 affirmative action officer.

6 Q. Right. And, of course, during the  
7 time of these meetings regarding Mahaffy, AUM  
8 was on holiday break and in between semesters,  
9 was it not?

10 A. Well, no. What happened was the  
11 meetings we had in December were prior to  
12 holiday.

13 Q. Okay.

14 A. And that was with the ones -- the  
15 people that I told you about, Moody and Ray.  
16 And we could have called him in probably, but  
17 Debra said, well, I'm not going to mess up my  
18 holiday. We'll call him in later. So that's  
19 how he got kicked over into January.

20 Q. Okay. What was the time period when  
21 the university was -- it was a university  
22 holiday for everybody who worked here, for  
23 staff as opposed to students?

24 A. Well, the students always get out a  
25 little bit before we get out. And we got

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1 out -- we normally have a two-week period. So  
2 I guess anywhere from December whatever to  
3 after the holiday, after January 1st was our  
4 normal holiday.

5 Q. And in 2005, didn't Ed Richardson  
6 also add a couple of days to the break?

7 A. Yeah. And that would happen  
8 oftentimes.

9 Q. That's because LSU -- that's because  
10 Auburn was in the Sugar Bowl; right?

11 A. That's right. Always. I'm not sure  
12 they won that year, but he would generally  
13 give us an extra day if they did, whoever  
14 was --

15 Q. They won.

16 A. -- chancellor.

17 Q. They won.

18 A. Okay. Good.

19 Q. Okay. So you had the meeting with  
20 Mahaffy on January the 10th?

21 A. Yes, sir.

22 Q. And if you refer to paragraph six of  
23 your affidavit, you said that you were present  
24 at another meeting when Roger Ritvoe was  
25 involved?

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1 A. Right.

2 Q. Do you remember when that meeting  
3 occurred?

4 A. This meeting was later in January,  
5 maybe -- let me see -- the 25th we met with  
6 Dr. Nance. It had to be maybe around the 18th  
7 or 19th. I'm not sure. Because after that  
8 meeting, he wanted Dr. Ritvoe to go in to talk  
9 to Dr. Nance and plead his case.

10 Q. Mahaffy wanted Ritvoe?

11 A. Yes, sir. Because he had been  
12 stripped of his position.

13 Q. You say he was stripped of his  
14 position. You mean his -- as a deputy chair?

15 A. Yes, sir.

16 Q. And he lost that title?

17 A. Uh-huh.

18 Q. You've got to say yes.

19 A. Oh, I'm sorry. Yes.

20 Q. Okay. What else -- what other  
21 punishment did Mahaffy receive?

22 A. He was supposed to attend some  
23 training sessions. Now, whether or not that  
24 ever came to be, I have no idea.

25 Q. Okay.

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1 A. Personally I don't think he did.

2 Q. You were gone by that time on your  
3 medical leave, weren't you?

4 A. I was -- I left shortly after that.  
5 But I don't know. He was supposed to go, but  
6 then when I came back, Debra had said to me  
7 that he had taken a lot of time off using his  
8 sick leave. And then I know he came and he --  
9 ultimately he retired. I'm not sure. It had  
10 nothing to do with Cynthia Ellison's case,  
11 though.

12 Q. Do you know what else the  
13 university -- what other conditions the  
14 university imposed on Chris Mahaffy?

15 A. I think his salary was changed.

16 Q. Lowered?

17 A. Uh-huh. Yes.

18 Q. Do you know of anything else that  
19 the university imposed on him?

20 A. Not to my knowledge.

21 Q. Okay. Now, you mentioned a meeting,  
22 I believe, with Guin Nance before the meeting  
23 between -- among Ritvoe and yourself and  
24 Mahaffy; right?

25 A. We had a meeting on the -- I think



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1 it was on the 25th. That was after we met  
2 with him.

3 Q. Okay. What was the topic of that  
4 meeting?

5 A. Endowment. That meeting was --  
6 Debra Foster was there. I was there. Roger  
7 was there. That was sort of to bring  
8 Dr. Nance up to what was going on with the  
9 case, to apprise her of what was going on.

10 Q. Wasn't that -- in that meeting  
11 wasn't it decided what the university was  
12 going to do to Mahaffy as a result of the  
13 complaints?

14 A. No. That was decided prior to that  
15 I believe.

16 And then after we went back to  
17 Dr. Nance, at that time she said legal counsel  
18 would be brought in at that time.

19 Of course, we had a meeting with  
20 Ms. Ellison also and Dr. Lawal. And he said  
21 that -- at that time, of course, we had also  
22 met with the staff from physical sciences.  
23 Dr. Ritvoe apprised them of what had happened  
24 to Dr. Mahaffy.

25 And, of course, we met with

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1 Ms. Ellison and Dr. Lawal who -- he was under  
2 the impression, I think, Dr. Ritvoe was going  
3 to allow him to speak to the staff to tell  
4 them what was going on. But he said no. He  
5 would be the one to do it. And he said if  
6 they didn't do something, if they continued to  
7 do that, that he was going to file civil  
8 litigation.

9 Q. Is that what he told you?

10 A. That's what he told us in that  
11 meeting. Dr. Ritvoe was there and I was there  
12 also. And after that, we went back to see  
13 Dr. Nance and we discussed with her some of  
14 the findings and some of the things that had  
15 happened. That's my memory of it now.

16 Q. Okay. And Dr. Nance is Guin Nance,  
17 the chancellor of AUM?

18 A. Right. Right.

19 Q. So these complaints rose to the  
20 highest level at -- highest administrative  
21 level at AUM; right?

22 A. Yeah. Well, we had to keep her  
23 apprised of what was going on. It was only  
24 the right thing to do.

25 Q. Do you feel that AUM followed the

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1 correct procedure with Mahaffy and the  
2 complaints that Cynthia Ellison raised?

3 A. I feel that they did as far as  
4 disciplining him. I don't think that they did  
5 enough to take Ms. Ellison out of her  
6 environment she was in. They didn't give her  
7 security.

8 I asked in a meeting -- I asked -- I  
9 said what happens if he retaliates. Because  
10 he knew that she was the person that had  
11 lodged the complaint.

12 So my thing is -- which oftentimes  
13 since I've been at this university, if there  
14 is a -- if there's a belief that a person may  
15 be in jeopardy of being, you know, jumped on,  
16 bothered with in going to a car, we would call  
17 security. We would either go out as a group.  
18 They didn't even provide security for her.  
19 And I asked why don't -- why don't y'all  
20 provide some security for Dr. Lawal and for  
21 her at the time.

22 Q. Let's talk about that. What do you  
23 mean by provide security?

24 A. Call campus police and have someone  
25 escort them to the car.

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1 Q. Did anyone do that?

2 A. No.

3 Q. Did Cynthia Ellison call the campus  
4 police?

5 A. Cynthia Ellison told her boss. Most  
6 times it went through your supervisor.

7 Q. No, no. Did Cynthia Ellison call  
8 the campus police?

9 A. I don't know. I believe she did.

10 Q. Do you know if the campus police  
11 ever said to Cynthia Ellison, no, we are not  
12 going to escort you to your car?

13 A. I don't know. You'd have to ask  
14 Ms. Ellison that.

15 Q. Okay.

16 A. I know that I --

17 Q. Do you know -- I'm sorry?

18 A. I know that I requested it. And I  
19 said suppose Mahaffy retaliates against  
20 Dr. Lawal and Cynthia. We'll get security.  
21 And I told that to Dr. Ritvoe.

22 The only time that I'm aware that  
23 they provided some security for her was later  
24 in February when they thought she was messing  
25 with university documents.

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1 Q. Did -- are you saying, Ms. Ward,  
2 that you called campus security -- the campus  
3 police in order to get security for Cynthia  
4 Ellison and they refused?

5 A. I talked to -- I talked to Chief  
6 Robinson. I said, you know, Ms. Ellison and  
7 Dr. Lawal need some security over there. She  
8 said I'll have to call Dr. Ritvoe. I said  
9 call Dr. Ritvoe and ask him if that's what you  
10 have to do.

11 Because Debra called and got  
12 security. They had security in the hallway  
13 when we were down there with Chris  
14 interviewing him. So why couldn't they,  
15 especially when they knew that she was the  
16 complainant?

17 Q. Do you know if AUM has ever had  
18 security present during a disciplinary  
19 session?

20 A. I certainly do. Absolutely. They  
21 have.

22 Q. Now, what kind of security did you  
23 have in mind for Dean Lawal and Cynthia  
24 Ellison?

25 A. Sir, the only security that any of

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1 us could get is a police escort to escort us  
2 to our car.

3 Q. And I believe you told me that you  
4 don't know if Cynthia Ellison ever requested  
5 that.

6 A. I don't know.

7 Q. And you also don't know whether  
8 campus police ever declined to escort her to  
9 her car; right?

10 A. I don't know if they did or not.  
11 But I believe that she asked them. I asked.  
12 So certainly she should have asked for  
13 herself.

14 Q. Ms. Ward, did you ever ask for  
15 security going to your car?

16 A. No, I didn't.

17 Q. In your 18 years here, you never  
18 asked for that?

19 A. We have. The director and I have.  
20 There was a case where we needed security  
21 because this lady was going all over campus,  
22 even to the post office, putting up  
23 distasteful things about the human resources  
24 office. So, in fact, she thought that we all  
25 should have had it. It was basically against

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1 her, but we all went out together as a group.

2 Q. Did you have security escort you?

3 A. Uh-huh. We did. We did.

4 Q. On that occasion, when you asked for  
5 it, you received it?

6 A. Well, she asked for it, the  
7 director.

8 Q. Okay.

9 A. She asked for it. Even when I was  
10 out and needed to come back and needed a  
11 handicapped sticker in my car because I  
12 couldn't walk, she would call campus police  
13 and get that for me.

14 Q. Who is she?

15 A. Rose Shook, my previous director.

16 Q. Okay.

17 A. So it wasn't unc customary that the  
18 supervisor -- and I know she told her  
19 supervisor she needed it. She told me that.

20 Q. There's nothing that prevented  
21 Cynthia Ellison from calling Chief Robinson  
22 either, is there?

23 A. Maybe she did. I don't know.

24 Q. Do you know of any policy that makes  
25 it a requirement that a supervisor call --



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1 A. No.

2 Q. -- campus police?

3 A. There's not a policy. But there's  
4 procedure.

5 Q. There's procedure for that?

6 A. As far as I know out of human  
7 resources.

8 Q. Is it in writing?

9 A. No, it's not, not to my knowledge.

10 Q. And at least the procedure in human  
11 resources is that the supervisor calls campus  
12 security for escorts; right?

13 A. Well, I don't know. Debra called.  
14 I've never called for security to my car.  
15 I've called them to help me with other things.

16 Q. When did Debra Foster call for an  
17 escort to her car?

18 A. I believe that was during the same  
19 time we had -- Chris was stripped.

20 Q. You mean of his title?

21 A. Yes.

22 Q. Now, did you hear Debra Foster call  
23 over there?

24 A. Debra said she was going to call,  
25 yes.

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1 Q. So you heard her make the call --

2 A. Yeah.

3 Q. -- to the police?

4 A. I heard she was going to call over  
5 there.

6 Q. Which officer did she talk to over  
7 there?

8 A. I don't know who she talked to. But  
9 Nellie Robinson -- she could have picked up  
10 the phone and talked to anyone and they  
11 probably said let me talk to the chief.

12 Q. I just want to make sure you  
13 listened to the telephone call she made to  
14 campus police.

15 A. She told me she was going to call.

16 Q. So you don't know if she did or not?

17 A. No, I don't. But I assume she did.  
18 She got it.

19 Q. Did you see the campus police escort  
20 Debra Foster to her car?

21 A. Yes, yes, yes.

22 Q. And where did they pick her up?

23 A. She walked downstairs out of the  
24 library tower and most of the time they would  
25 meet her down there.

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1 Q. Is that where they met her on this  
2 occasion?

3 A. I don't know if they came up to the  
4 office or if they met her downstairs.

5 Q. Okay. Where did you first see them  
6 escorting her?

7 A. Going across the campus down the --  
8 down the sidewalk.

9 Q. And where were you?

10 A. I was upstairs in the office.

11 Q. Were you looking out the window at  
12 her to see if she was getting escorted?

13 A. I was looking out the window.

14 Q. And did you follow them all the way  
15 to her car?

16 A. No, I did not.

17 Q. How far did you follow them?

18 A. I just looked halfway down. I  
19 didn't have time to stand up and watch her  
20 being escorted or anybody else being escorted  
21 to their car.

22 Q. How long do you think you watched?

23 A. Maybe about two or three seconds.

24 Q. Okay. Did you recognize the officer  
25 who was with Debra Foster?

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1 A. No, I didn't.

2 Q. Did you recognize whether the  
3 officer was male or female?

4 A. I think it was a male.

5 Q. Did you recognize whether the  
6 officer was black or white?

7 A. Black.

8 Q. Now, you refer in paragraph six to a  
9 remark that Mahaffy made after the meeting in  
10 which he lost his title when he said he was  
11 going to go home and get drunk.

12 A. Right.

13 Q. What's the significance of quoting  
14 him in your affidavit?

15 A. Well, you know, he was not described  
16 as a very stable person anyway. And, of  
17 course, when they stripped him of his title  
18 and, of course, he said -- well, Dr. --  
19 Dr. Ritvoe said I hope this is over soon. And  
20 he said, well, it may be over sooner than you  
21 think.

22 But he also said that he would not  
23 be fired from the university. In fact, he  
24 said that in a meeting with Dr. Lawal and  
25 Ms. Ellison. But the only reason I mention

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1 that is that he said he was going home and he  
2 was going to get drunk.

3 Q. Did you attach any significance to  
4 that remark?

5 A. Not really, that he might -- yeah,  
6 he may go home and hurt himself.

7 Q. By getting drunk?

8 A. Or doing something else could lead  
9 from getting drunk.

10 Q. Ms. Ward, look in paragraph six  
11 again.

12 A. Okay.

13 Q. And you talk about during the  
14 meeting Ritvoe addressed the allegations  
15 that -- I assume you're referring to Cynthia  
16 Ellison's allegations?

17 A. Yes.

18 Q. And the investigation that had been  
19 completed and the university's  
20 recommendations. What do you mean by the  
21 university's recommendations?

22 A. The university had recommended that  
23 he go for some training. He had to tell them  
24 what he was going to do. And he was going to  
25 go for some training in order to help him deal

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1 with some issues which would be, I guess  
2 discrimination.

3 Q. So they weren't recommendations,  
4 were they? They were orders?

5 A. Right. More or less.

6 Q. Well, they were orders, weren't  
7 they?

8 A. Uh-huh.

9 Q. Were they not?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. Mahaffy had to fulfill the terms  
14 of --

15 A. He was supposed to.

16 Q. Did you see the letter that Roger  
17 Ritvoe provided to him after the meeting which  
18 set out the obligations that Mahaffy had to  
19 fulfill?

20 A. I think I did. I don't remember.

21 Q. There was more to it than simply  
22 getting some training.

23 A. Oh, yeah. Oh, yes. But I don't  
24 remember. This was a lengthy letter.

25 Q. Okay.

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1 A. I don't know if he ever got them --  
2 if he ever complied, though. I doubt it.

3 Q. Why do you doubt it?

4 A. Because when he was -- when I came  
5 back to work, Ms. Foster said he wasn't here  
6 at the office. He was taking leave most of  
7 the time. And I think he was retaliating. He  
8 didn't -- he probably didn't think he needed  
9 to.

10 Q. Do you know why he was on leave?

11 A. Well, just being -- just going  
12 against policy to want to do. He didn't want  
13 to come back and work since he was no longer  
14 head of that department, the chair of that.

15 Q. Are you suggesting that his medical  
16 leave was bogus?

17 A. Somewhat.

18 Q. Do you have any factual  
19 substantiation of that?

20 A. No, I don't. I don't.

21 Q. All right. Now, in paragraph seven,  
22 you refer to the complaints that Cynthia  
23 Ellison had made previously against  
24 Dr. Mahaffy in 2003 and 2004. Do you see  
25 that?



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1 A. Uh-huh. I do. Yes.

2 Q. Are those the complaints we talked  
3 about earlier having to do with paragraph  
4 four?

5 A. About describing Chris Mahaffy and  
6 what he was -- the complaints regarding him.

7 Q. Well, I'm trying to figure out what  
8 you're referring to in paragraph seven. Are  
9 those complaints that you and I have already  
10 discussed in this deposition or are they  
11 different ones?

12 A. They are. They basically -- they  
13 are the ones that we discussed.

14 Q. That we talked about earlier?

15 A. But there was another situation,  
16 too, that included a Barbara Ware.

17 Q. Okay.

18 A. There was some discussion with  
19 Barbara Ware which, you know, she was a  
20 secretary to Mahaffy, as Allison Stevens was.  
21 Well, there was a rift between Ms. Ellison and  
22 her. And even Debra and them think that  
23 Mahaffy instigated that. And she said that  
24 Ms. Ellison was just trying to do her job.  
25 That's what Ms. Ellison told me. And that was

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1 another factor. But I think it was soon  
2 solved.

3 Q. Were you involved at all in that  
4 tempest?

5 A. No. Thank God.

6 Q. You don't have any personal  
7 knowledge about that, do you?

8 A. Just what Debra told me.

9 Q. Okay. Other than the Barbara Ware  
10 incident, are there any other difficulties or  
11 complaints that you're referring to in  
12 paragraph seven that we haven't already spoken  
13 about?

14 A. No.

15 Q. Okay. Did you know Barbara Ware?

16 A. No more than just --

17 Q. You knew who she was?

18 A. Yes. Uh-huh.

19 Q. She was Cynthia Ellison's co-worker,  
20 was she not?

21 A. Right. She worked in the School of  
22 Sciences and she was the secretary to  
23 Mr. Mahaffy -- Dr. Mahaffy and Cynthia worked  
24 with all of them.

25 Q. And Allison Stevens also had been

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1 Mahaffy's secretary?

2 A. Also had. Yes, sir. Yes, sir.

3 Q. So Allison Stevens and --

4 A. Barbara Ware.

5 Q. -- Cynthia Ellison were, again,  
6 co-workers?

7 A. Yes.

8 Q. In other words, Allison Stevens  
9 didn't supervise Cynthia Ellison?

10 A. No. No. Cynthia was the dean's  
11 secretary. So all the other secretaries sort  
12 of had a reporting structure, you know --

13 Q. To her?

14 A. -- up the line. Yes, sir. In fact,  
15 she did most of their payroll information and  
16 helped them as she did with others throughout  
17 the campus.

18 Q. What's the difference between a  
19 formal complaint as you refer to it in your  
20 affidavit and any other complaint?

21 A. Well, a complaint just might be  
22 someone coming in to say, well, I'm just  
23 lodging a complaint and it's without real  
24 cause or something. I don't know. But I  
25 think when it's formal it's more that, you

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1 know, this is the way it is. This is all --  
2 this -- I mean, there's got to be a  
3 difference, informal and formal. And the  
4 formal means that this is a formal complaint  
5 that I'm lodging. This isn't just something  
6 that I'm just saying.

7 Q. Do you think it has more to do with  
8 just the apparent seriousness of --

9 A. I do. I do. I do.

10 Q. You mean griping on one hand, you  
11 wouldn't consider that to be a formal  
12 complaint?

13 A. No. And especially if you get  
14 people that you know are always running to the  
15 office. But you can't take anything lightly.  
16 But by the same token, you've got to be able  
17 to differentiate, you know, if this is someone  
18 who's just wanting to come over.

19 I used to have employees just come  
20 tell me, Ms. Ward, I just want you to listen  
21 to me. I'd close the door. They'd sit and  
22 they'd gripe for about 30 minutes. And then  
23 they'd get up and say thank you for listening.

24 Q. That's not a formal complaint?

25 A. No, sir.

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1 Q. Okay. And you treat them  
2 differently, do you not?

3 A. Well, I don't treat anybody  
4 differently. I listen to everyone.

5 Q. No, no. I'm sorry.

6 A. What do you mean?

7 Q. The complaint itself.

8 A. Yes, sir.

9 Q. You wouldn't necessarily trigger the  
10 procedures for investigating griping, would  
11 you?

12 A. I wouldn't.

13 Q. To a certain extent, you have to use  
14 your discretion to determine --

15 A. Yes, sir.

16 Q. -- differentiate among the types of  
17 complaints people are making?

18 A. Yes, sir. I would.

19 Q. Okay.

20 A. I know there were some people that  
21 would come in and they would just want to talk  
22 in confidentiality and they said I just want  
23 you to listen to this. And, of course, the  
24 former director, she would say, well, what did  
25 that person talk about. I would say they came

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1 to me in confidence. I can't disclose it. We  
2 respected each other to that point that I  
3 didn't.

4 Q. Look at paragraph eight of your  
5 affidavit, please.

6 A. Yes, sir.

7 Q. You say that Ms. Ellison retired  
8 with a wonderful work record and honor.

9 A. Yes, sir.

10 Q. Can you tell me what you mean by  
11 that?

12 A. You know, her work record was  
13 impeccable on this campus because other  
14 secretaries looked up to her so much. I would  
15 talk with some of them and they'd say, well,  
16 wait a minute -- especially when -- and I  
17 didn't get a lot into a lot of the HR payroll  
18 entry and all of that. To be honest, I didn't  
19 deal with that.

20 Q. Right.

21 A. But they would call and say I'm  
22 going to call Cynthia Ellison because I trust  
23 her and I want to know what she's doing if  
24 they had a new system or something. And as  
25 far as I know, her reputation has been

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1 impeccable.

2 Q. Okay. So when you say that she had  
3 a wonderful work record and honor, are you  
4 basing that on what you think other  
5 secretaries thought of her and what they told  
6 you and that sort of thing?

7 A. Well, some of what I know. Because  
8 I worked -- in my position, there were -- I  
9 had to monitor faculty positions. I kept  
10 information as far as EEO that I could pass on  
11 to Debra when she would have to do her  
12 affirmative action report.

13 I would have to call Ms. Ellison as  
14 I would in the normal course of my job. I  
15 would have to call other secretaries and ask  
16 them things and if deans had to sign off on  
17 information. So sometimes she would follow  
18 that up for me.

19 Q. Okay.

20 A. Those kind of things.

21 Q. Can you identify the secretaries who  
22 you're referring to?

23 A. Okay. Jan Hargrove would be one.  
24 She is over the School of Science.

25 Q. Anybody else?



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1 A. Adrienne Giles.

2 Q. I'm sorry?

3 A. Adrienne Giles.

4 Q. And where does she work?

5 A. She works over in Liberal Arts, I  
6 believe. She's the dean over -- the second to  
7 the dean over there. And let me see. I don't  
8 know. But a lot of the secretaries.

9 Q. Can you think of any other  
10 identities other than those two?

11 A. Let me see. Janice Strane is gone  
12 now. Janice -- Janice, she retired, too.  
13 So -- those two I know would speak highly of  
14 Cynthia.

15 Q. Okay. Look at paragraph nine --

16 A. Uh-huh.

17 Q. -- talking about her -- that she was  
18 subjected to a racially hostile environment.  
19 What do you mean by that?

20 A. I believe that because of the  
21 fact -- by that I mean she was placed over  
22 there. She was over there and Chris Mahaffy  
23 was doing all these things and it went on for  
24 at least a year, year and a half. And nothing  
25 was done about that.

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1                   So in all this time, she had to be  
2 under duress. She -- I mean, from what she  
3 explained to me. It wasn't that she wasn't  
4 performing her job, but it was under stress.

5                   And she had to be because she was in  
6 that hostile environment with him walking  
7 around, not knowing what he was going to do,  
8 if he was going to go off, if he was going to  
9 attack her.

10                  To me, that's what a hostile  
11 environment situation would be.

12                  Q. I understand that. Do you call it a  
13 racially hostile environment because he's  
14 white and she's black?

15                  A. He's white and she's black plus his  
16 secretary called her a nigger.

17                  Q. Do you think he had anything to do  
18 with that?

19                  A. Yes.

20                  Q. Why?

21                  A. Because of the way he would act  
22 toward Cynthia. I think, in fact, he had  
23 something to do with the fallout between the  
24 both of them, Barbara Ware and Allison  
25 Stevenson.

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1 Q. Let's stick with Allison for a  
2 second.

3 A. Okay.

4 Q. Do you think that Chris Mahaffy  
5 instructed Allison Stevens --

6 A. Oh, no. I don't think he instructed  
7 her, no. I don't think he instructed her to  
8 call her a nigger. I think that was maybe  
9 just her demeanor.

10 But I don't think Chris Mahaffy --  
11 once he found out that there was some  
12 bickering between the two of them, I don't  
13 think he did anything to help deter it.

14 Q. Okay. Do you know what the -- in HR  
15 terms, do you know what the standard is for --  
16 for establishing that a hostile environment  
17 exists?

18 A. Well, whether it's HR terms or not,  
19 I think the hostile environment would be any  
20 situation that someone is put in that they are  
21 feared, that they are being ridiculed against,  
22 and to me, that would create a hostile  
23 environment, whether it's in HR terms or not,  
24 sir.

25 Q. Okay. I asked you that earlier and

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1 I apologize for repeating myself.

2 A. That's all right.

3 Q. I have that infirmity sometimes.

4 And you say in paragraph nine that hostile  
5 environment resulted in her early retirement.

6 A. Well, yes. It did. Because at that  
7 point, by that time, Ms. Ellison had also  
8 shared with me that Dr. Lawal had did a  
9 380-degree turn on her and they were -- when  
10 he first came to talk to Ms. Foster and I, he  
11 wanted his complaint aligned with  
12 Ms. Ellison's.

13 Then after our meeting with  
14 Dr. Ritvoe, he, Ms. Ellison and Dr. Ritvoe and  
15 I, we met. And after, I guess, they had  
16 worked with this solution with Dr. Mahaffy --  
17 because he had planned to retire -- I mean, to  
18 leave. I'm surprised he's still here if he  
19 is. Because when he spoke with us, he was so  
20 emphatic about their going together.

21 And I know when he came and was  
22 hired, sir, in 2004, that Ms. Ellison said  
23 that she was going to stay with him. She  
24 drove he and his wife around looking for a  
25 home. She was very loyal to him.

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1 And she wanted to stay with him for  
2 another two years before she retired. Because  
3 I would ask her. I would say, well, when are  
4 you retiring. You've been here for a long  
5 time now. Are you thinking about it? She  
6 said not now, but I want to maybe in about a  
7 couple of years. I don't want to leave  
8 Dr. Lawal, you know, alone. I want to stay  
9 until he gets settled in.

10 Well, I don't know what happened  
11 there. But what I knew the next thing, sir,  
12 it was a phone -- Debra came into my office.  
13 It was around the 14th of February. And she  
14 said to me that Dr. -- that they had accused  
15 Cynthia, I believe, of shredding information.  
16 And I said that's not true. I said she would  
17 not stoop so low.

18 So then after that -- I mean, I was  
19 busy at my desk. And Debra had sent me an  
20 e-mail to the effect -- well, she knew I  
21 didn't read my e-mail a lot of times right  
22 away because I was busy doing other things  
23 when I entered my office. But I did. You  
24 know, we talked about it.

25 So the next thing I knew, that was

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1 when Cynthia -- that was the first time they  
2 provided, sir, some security for her. Because  
3 the chief of police came by my office that  
4 same day. And I said did y'all -- ever get  
5 security for Cynthia and she said no. She  
6 said but we were called today. And I said  
7 really. She said I kept asking why, but  
8 nobody ever told me why. I said, well, why do  
9 you need to know it, just -- you know, just  
10 because a person needs security. We've always  
11 called, said I need security and in the past,  
12 y'all have given it to us. She said because  
13 we have to do a statement to say what it's  
14 for. And I said, oh, when did that start  
15 happening.

16 So, anyway, I left it alone. And  
17 she said but we gave -- we went over there  
18 today. And by then, word was out that Dr.  
19 Bayo Lawal had accused Ms. Ellison of  
20 shredding documents. Well, you know, I shred  
21 my applications after a year or two, but there  
22 is information within the schools that I'm  
23 sure they can shred.

24 So then at that point, Dr. Lawal had  
25 started. She had told me about him. He had

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1 started treating her differently, told her not  
2 to come in his office, not to read his mail.  
3 So I don't know what happened there. But the  
4 final analysis to that was that he didn't want  
5 her around. And, of course, after they  
6 accused her of shredding the documents, I  
7 guess she felt that she had no other -- she  
8 left.

9 Q. So --

10 A. So she was still in a hostile  
11 environment.

12 Q. And that hostile environment was  
13 created by Bayo Lawal?

14 A. Well, he just added to it.

15 Q. And that environment was hostile  
16 because he had accused her of shredding the  
17 documents?

18 A. Well, I think that there are other  
19 factors, sir, that I'm not at all sure what  
20 they were, but I know she started having some  
21 problems with him too after that meeting that  
22 we had with Dr. Ritvoe. And he was apparently  
23 somewhat satisfied because of what had  
24 happened to Dr. Mahaffy at that point.  
25 Because he was no longer head of that -- chair



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1 of that department. And I guess he had --  
2 his -- he was satisfied and that maybe had  
3 been his resolve for that. I don't know.

4 Q. Did Cynthia Ellison ever criticize  
5 you for asking her when she intended to  
6 retire?

7 A. No. No. That wasn't -- I mean, I  
8 asked a lot of people that. We were all -- of  
9 course, I didn't have the years, but I had the  
10 age. Cynthia had the years. And, you know,  
11 like I said, I would have stayed a little bit  
12 longer myself. I would have loved to have  
13 stayed until I reached full retirement age,  
14 but, you know, so be it.

15 Q. It's not an uncommon question around  
16 here to ask when are you going to retire?

17 A. Oh, no, sir. No, sir. Well, it  
18 would be if people would just -- you know, I  
19 mean, we didn't do it all the time, you know,  
20 like Ms. Foster would say sometimes when  
21 somebody would call and she felt that they  
22 were going to be a headache, well, when are  
23 they leaving, when are they going to retire,  
24 you know, something like that.

25 But it was just when I would have

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1 seminars and people would come out and, you  
2 know, I would say are you thinking about  
3 retiring now. Sometimes I would; sometimes I  
4 wouldn't.

5 Q. Okay.

6 A. It's only uncommon if you use it in  
7 certain ways.

8 Q. And you wouldn't take -- you didn't  
9 take offense at those kind of questions to  
10 you, did you?

11 A. It all depends on the circumstances.

12 Q. I mean the ones you just referred to  
13 when people would ask you.

14 A. No, when someone just asked me if I  
15 had a problem and I thought it was going to be  
16 a problem and they said, well, when are you  
17 retiring, yeah, that would be offensive.

18 Q. So I guess it depends on how you  
19 interpret the question, right, as to whether  
20 it's offensive or not?

21 A. It all depends on the circumstances  
22 around the question.

23 Q. Now, Ms. Ward, is it your testimony  
24 that from fall of 2004 --

25 A. Yes, sir.

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1 Q. -- when Cynthia Ellison started  
2 escorting Bayo Lawal and his wife around and  
3 helping him get situated, from that date until  
4 February 14th, you didn't have any discussions  
5 with Cynthia Ellison about retirement or when  
6 she intended to retire?

7 A. No.

8 Q. That's not your testimony?

9 A. No. Why would it be?

10 Q. I'm trying to clarify. That's what  
11 I understood it to be.

12 A. About her retiring? She didn't have  
13 any -- no, she said to me -- because she was  
14 thinking about retiring at a later date. And  
15 she said, but I'm not going to retire anytime  
16 soon, Faye, because I want to stay here and  
17 work with Dr. Lawal.

18 Q. That's what she told you in the fall  
19 of 2004; right?

20 A. She told me that from the time he  
21 came.

22 Q. When did he come?

23 A. I think he came in in August of  
24 2004, I believe. I don't know. Debra  
25 probably knows.

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1 Q. From August 2004, that's what  
2 Cynthia Ellison was telling you about her  
3 retirement time?

4 A. Well, she didn't -- it wasn't just  
5 an in-depth conversation about it.

6 Q. I understand.

7 A. She just said that she wanted to  
8 stay with him until he became acclimated to  
9 the School of Sciences and the duties and  
10 everything so she as a secretary to him could  
11 perform in the manner to help him.

12 Q. Okay. And from that time until she  
13 came to you on February 14th, you believed  
14 that she still intended to remain a couple of  
15 years --

16 A. Yes.

17 Q. -- until --

18 A. Absolutely. Absolutely.

19 Q. Okay. You know Don Yancey, don't  
20 you?

21 A. I do.

22 Q. How long have you known him?

23 A. Well, I met him in about 1989 when I  
24 came to work.

25 Q. What is his job?

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1 A. He's a retiree. Alabama teacher's  
2 retiree rep. I know he is. He's a big name  
3 down there.

4 Q. And you've contacted him on  
5 different occasions to have him calculate  
6 retirement benefits for employees if they --  
7 beginning on a certain date based on their  
8 years of service and age, haven't you?

9 A. Okay. Sir, what I've done as far as  
10 my contact with Mr. Yancey about other  
11 employees, I refer them to him.

12 Now, when I was ready to retire, I  
13 went down personally to talk with him. I  
14 would recommend to employees if you need to  
15 know, go talk to Mr. Yancey.

16 The process, they go talk to him  
17 first. They come back to HR. I give them --  
18 I do a two-part interview. I give them a  
19 sheet to take to their bank and they have  
20 to -- need to do that processing within 60  
21 days because we need to get information to  
22 Auburn University payroll office in a timely  
23 manner.

24 So, therefore, I would conduct  
25 two -- a two-part interview. Give them the

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1 form, take down to their bank, come back, do  
2 the application, and I would notarize it and  
3 send it with the payroll information.

4 Q. Okay. And that's what you did with  
5 Cynthia Ellison when she retired?

6 A. Retired, yes, sir.

7 Q. Now, did you contact Don Yancey in  
8 September 2004 to find out what Cynthia  
9 Ellison's retirement benefits would be if she  
10 retired on December 1st, 2004, and what they  
11 would be if she retired on July 1st, 2005?

12 A. Why I would do that? That wasn't my  
13 business.

14 Q. Well, I'm just asking you if you did  
15 it.

16 A. No, sir. No. I didn't do anybody  
17 that way. I would refer them to take care of  
18 their own business.

19 Q. Did you contact Don Yancey on  
20 January 4th, 2005, to see what Cynthia  
21 Ellison's retirement benefits would be if she  
22 retired on April 1st, 2005?

23 A. No, sir. No, sir.

24 Q. So, if Don Yancey testified to that,  
25 he would be incorrect?

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1 A. Well, I didn't. I didn't contact  
2 Don Yancey about anyone. In most cases, I  
3 would refer the person to Don Yancey and they  
4 would do what they have to do.

5 Q. Okay.

6 A. And if they had leave time, they  
7 would use their leave time to take them  
8 through.

9 Q. So you had no contact with -- you've  
10 never had any contact with Don Yancey about  
11 Cynthia Ellison's retirement benefits?

12 A. Not to my recollection. No, indeed.  
13 Not to my recollection. I don't know why I  
14 would have had to.

15 Q. Do you recall when you signed off on  
16 Cynthia Ellison's retirement papers?

17 A. No, I don't remember the specific  
18 date, but I know I did.

19 Q. Do you remember if it was before  
20 February 14th or after?

21 A. Well, if she left -- it might have  
22 been before. Like I said, I don't want to get  
23 into giving you a specific date because I  
24 don't remember. I know I gave her the form to  
25 take to her bank and she brought that back and



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1 I know that I did the application. And I had  
2 to sign off on it.

3 Q. Let me show you a document that's  
4 been introduced in this case --

5 A. Okay.

6 Q. -- identified in this case already  
7 called the Teachers's Retirement System of  
8 Alabama application for retirement?

9 A. Uh-huh.

10 Q. And is this your signature on it?

11 A. Yes, it is.

12 Q. Is this Cynthia Ellison's  
13 application for retirement?

14 A. It is.

15 Q. And did you notarize that document?

16 A. I did. My name is on it.

17 Q. What's the date of your notary  
18 public?

19 A. March 7th. That's -- my commission  
20 expires on this date and I notarized it on the  
21 11th day of February.

22 Q. So did Cynthia Ellison come to you  
23 on February 11th to complete this paperwork?

24 A. She had to. We don't notarize it  
25 unless the person is present.

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1 Q. Do you know if Cynthia Ellison had  
2 given notice of her retirement any earlier  
3 than February 11th to her dean?

4 A. I don't know.

5 Q. I know you told me that you weren't  
6 directly involved with the Allison Stevens  
7 incident.

8 A. Yes, sir.

9 Q. But do you know if Allison Stevens  
10 had ever been accused of using racially  
11 insensitive language or exhibiting racially  
12 insensitive behavior at AUM before that point?

13 A. No, I don't.

14 Q. Do you know if anyone other than  
15 Cynthia Ellison has accused Chris Mahaffy of  
16 engaging in any type of racially insensitive  
17 behavior or using racially insensitive  
18 language?

19 A. Well, Dr. Lawal. He had the same  
20 complaint as Cynthia had.

21 Q. That's your understanding?

22 A. Uh-huh. He had a complaint. When  
23 it started out, he said he wanted his  
24 complaint to be aligned with Cynthia for  
25 whatever it was.

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1 Q. Did he tell you what his complaint  
2 was?

3 A. Well, he did -- Lawal wasn't --  
4 Chris was not giving him respect. I don't  
5 know if he was threatening him, but I know  
6 that he had very little control. He was going  
7 around I believe talking about Dr. Lawal, that  
8 he would not be a good leader, that he didn't  
9 believe in him, and that the faculty was not  
10 going to follow him. And that was said by  
11 Dr. Glen Ray in a statement he made. In fact,  
12 he was described by Dr. Moody as being a  
13 bigot.

14 Q. Other than the complaints you may be  
15 aware of from Cynthia Ellison and Bayo Lawal  
16 --

17 A. Yes, sir.

18 Q. -- do you know of any complaints  
19 from anyone at AUM concerning Chris Mahaffy  
20 threatening to strike anyone?

21 A. No, sir. I don't.

22 Q. Do you know of any complaints from  
23 anyone at AUM about Chris Mahaffy threatening  
24 physical violence?

25 A. No, sir. I don't.

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1 Q. How about intimidating anyone?

2 A. I don't.

3 Q. Do you know if there are any  
4 complaints other than -- strike that, please.  
5 Do you know of any complaints about Chris  
6 Mahaffy verbally threatening anyone?

7 A. No, I don't.

8 Q. Do you know if Chris Mahaffy has a  
9 history of any physical violence?

10 A. No, I'm not aware.

11 Q. Do you know if he's ever been  
12 accused of any sort of inappropriate touching?

13 A. I don't know, but when he was let  
14 go, it wasn't because of -- from my  
15 understanding, it had nothing to do with  
16 Cynthia Ellison's allegation. I think it had  
17 something to do with improper conduct on Chris  
18 Mahaffy's part that even reached the heights  
19 to Auburn University. That's my  
20 understanding. I don't know now.

21 Q. That was after Cynthia Ellison had  
22 retired, was it not?

23 A. Right. Right.

24 Q. Has anyone ever asked you to provide  
25 them with any sort of security because of fear

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1 of Chris Mahaffy?

2 A. Mrs. Ellison.

3 Q. Other than Cynthia Ellison. We've  
4 talked about that.

5 A. No. No.

6 Q. Have you been involved in any other  
7 internal claims of harassment at AUM during  
8 the time you were in the human resources  
9 office?

10 A. No. Like I said, that was -- the  
11 director always handled those. In fact, we  
12 didn't have a lot of cases during that time  
13 anyway. We put fires out.

14 Q. I'm sorry?

15 A. We didn't have a lot of cases during  
16 that -- during that reign because we put fires  
17 out as much as we could.

18 Q. Instead of starting them?

19 A. Yes, sir.

20 Q. Is that your saying?

21 A. That's my belief. That's what I  
22 know.

23 Q. I've heard that several times in  
24 this lawsuit.

25 A. It costs the university money.

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1 Q. Do you have any complaints about the  
2 manner in which AUM investigated Cynthia  
3 Ellison's complaints against Mahaffy beginning  
4 in December 2004?

5 A. Do I have what, sir?

6 Q. Any complaints about the manner in  
7 which the university investigated her  
8 complaints.

9 A. Well, I looked at the time factor  
10 when Ms. Ellison first started complaining,  
11 sir, and I thought that that timeframe was  
12 extensive, when it could have been -- now,  
13 that's what I'm saying to you. That's my  
14 personal observation. It could have been  
15 handled a little bit quicker. I think they  
16 could have gotten to the investigation a  
17 little bit faster.

18 Q. Are you talking about in December  
19 2004?

20 A. In December and January. Yes, sir.

21 Q. Other than the duration of the  
22 investigation, do you have any complaints  
23 about it?

24 A. Well, I think that she -- you know,  
25 you mean the investigation itself and how it

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1       went?

2               Q.     Yeah.

3               A.     Well, I think that if things would  
4       have been handled in some ways -- like, she  
5       only wanted to know the status of her  
6       investigation. They were letting Chris  
7       Mahaffy at a point know.

8               And, of course, at the time -- and I  
9       think she came to our office in January, and  
10      she wanted to know where we were with it. And  
11      we had a meeting with Ms. Foster and she in my  
12      office. And she said she wanted to know from  
13      Ms. Foster if she believed that she was  
14      telling the truth. She wanted to know.

15              Ms. Foster came in and told her she  
16      wasn't going to get the attorney, who I guess  
17      was Tom Rebel -- that she was not going to get  
18      any constructive discharge pay and all that.  
19      And I thought -- because Mr. Rebel had said  
20      for Cynthia to call over to the office.  
21      Ms. Foster said she wasn't calling over there.  
22      She said I don't want to talk to her.

23              So I said, well, you've got to do  
24      what the attorneys say for you to do. You  
25      need to call over and talk to her. She said



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1 I'm going to send her two paragraphs and let  
2 her know. Well, she came over and met in my  
3 office and when she asked her what -- did she  
4 believe her, Ms. Foster got up and walked out  
5 of the room, said you can call the attorney  
6 and ask him whatever you want to know. She  
7 gave her Tom Rebel's phone number. That was  
8 inappropriate to me. At that time, she wasn't  
9 even going to seek an attorney.

10 Q. The investigation wasn't over at  
11 that point, was it?

12 A. The investigation had started  
13 because we had talked to several people.

14 Q. Right. But it wasn't over?

15 A. And at that point -- no, it was not  
16 over, but there was enough information.

17 Sometimes when you -- I feel --  
18 well, that's not important what I feel. But  
19 in handling HR cases or any kind of cases when  
20 you're dealing with the people, you have to  
21 find a happy medium to pacify people before  
22 they take it to the max degree.

23 And in this -- at this point, I  
24 think if we had just been able to supply her  
25 with something to tell her -- I could have

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1 very easily said to her, you know, maybe I  
2 believe you, maybe I don't, but we're doing  
3 what we can to rectify this situation.

4 Q. You wouldn't -- in an investigation,  
5 you typically wouldn't want to make a  
6 credibility determination until the  
7 investigation was over, would you?

8 A. Well, you might not want to do that  
9 too, but you'd find some comfort zone that you  
10 can put that employee in. Because I think if  
11 that had been provided to her, she would  
12 not -- we wouldn't be here today.

13 Q. Is that the only criticism you have  
14 in the manner in which the investigation was  
15 conducted?

16 A. That's all I have.

17 Q. And so the only thing you would have  
18 done differently was to try to respond to that  
19 inquiry?

20 A. I would have tried to handle it a  
21 different way in order to try to work with the  
22 employee to let them do -- I would have  
23 investigated. I would have done it in a much  
24 faster manner and I wouldn't have said, well,  
25 she makes me sick, what's she want now, when

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1 is she retiring.

2 Q. Have you ever been involved in any  
3 lawsuits?

4 A. No, I haven't.

5 Q. You've never been to jail, have you?

6 A. Huh-uh.

7 Q. Ever been arrested?

8 A. No, I haven't.

9 MR. DODD: Bonnie, can we mark this?

10 (Defendant's Exhibit-4 was marked  
11 for identification.)

12 Q. (By Mr. Dodd) Ms. Ward, here's  
13 defendant's exhibit four. See if you can  
14 identify that for me, please.

15 A. Oh. It's a job description.

16 Q. For your position?

17 A. Yes.

18 Q. And that's your signature at the  
19 bottom dated May 17th, 2001?

20 A. It is.

21 Q. Are you pretty familiar with this  
22 job description, fairly familiar with it?

23 A. I am.

24 Q. Do you know of anything that's  
25 inconsistent between this job description and

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1 the duties contained in it and the duties that  
2 you outline for us in your affidavit? I mean,  
3 anything that jumps off the page at you?

4 A. In what way?

5 Q. In any way. I think they're  
6 consistent.

7 A. No. Huh-uh. It's accurate.

8 MR. DODD: Ms. Ward, I have no  
9 further questions for you and I thank you  
10 for your time today.

11 THE WITNESS: Okay. Thank you, sir.

12 MS. RODGERS: I have no questions.

13 (Whereupon, the deposition was  
14 concluded at 11:55 a.m.)  
15  
16  
17  
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DESCRIPTION OF EXHIBITS

| EXHIBIT | IDENTIFICATION         |
|---------|------------------------|
| 1       | Letter to Dr. Ritvoe   |
| 2       | Affidavit              |
| 3       | Employment Application |
| 4       | Job Description        |

(Original exhibits attached to the  
Original transcript.)

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1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3 I hereby certify that the foregoing  
4 transcript was reported, as stated in the  
5 caption, and the questions and answers  
6 thereto were reduced to typewriting under my  
7 direction; that the foregoing pages represent  
8 a true, complete, and correct transcript of  
9 the evidence given upon said hearing, and I  
10 further certify that I am not of kin or  
11 counsel to the parties in the case; am not  
12 in the employ of counsel for any of said  
13 parties; nor am I in any way interested in  
14 the result of said case.  
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1 Disclosure Pursuant to Article  
2 8(B) of the Rules and Regulations of the  
3 Board of Court Reporting of the Judicial  
4 Council of Georgia, I make the following  
5 disclosure:

6 I am a Georgia Certified Court  
7 Reporter, here as a representative of  
8 Alexander Gallo & Associates, L.L.C.,  
9 to report the foregoing matter. Alexander  
10 Gallo & Associates, L.L.C., is not taking  
11 this deposition under any contract that is  
12 prohibited by O.C.G.A. 5-14-37 (a) and  
13 (b).

14 Alexander Gallo & Associates,  
15 L.L.C., will be charging its usual and  
16 customary rates for this transcript.  
17  
18  
19  
20

21 BONNIE L. SMITH, RPR CCR-B-2432  
22  
23  
24  
25



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CAPTION

The Deposition of FAYE WARD, taken  
in the matter, on the date, and at the time and  
place set out on the title page hereof.

It was requested that the deposition be taken  
by the reporter and that same be reduced to  
typewritten form.

It was agreed by and between counsel and the  
parties that the Deponent will read and sign the  
transcript of said deposition.

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CERTIFICATE

STATE OF

COUNTY/CITY OF

Before me, this day, personally appeared,  
FAYE WARD, who, being duly sworn, states that the  
foregoing transcript of his/her Deposition, taken in the  
matter, on the date, and at the time and place set out  
on the title page hereof, constitutes a true and accurate  
transcript of said deposition.

FAYE WARD

SUBSCRIBED and SWORN to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2006 in the  
jurisdiction aforesaid.

My Commission Expires \_\_\_\_\_ Notary Public

\*If no changes need to be made on the following two pages,  
place a check here \_\_\_\_\_, and return only this signed page.\*

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DEPOSITION ERRATA SHEET

RE: Alexander Gallo & Associates, L.L.C.

File No. 13898

Case Caption: CYNTHIA ELLISON

vs. AUBURN UNIVERSITY MONTGOMERY

Deponent: FAYE WARD

Deposition Date: June 14, 2006

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me.

I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

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1 Deposition of FAYE WARD

2

3 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

4

5 Reason for change: \_\_\_\_\_

6 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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8 Reason for change: \_\_\_\_\_

9 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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11 Reason for change: \_\_\_\_\_

12 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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14 Reason for change: \_\_\_\_\_

15 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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17 Reason for change: \_\_\_\_\_

18 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

19

20 Reason for change: \_\_\_\_\_

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22

23

24 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

25

FAYE WARD